

NATIONAL TRANSPORTATION SAFETY BOARD

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IN RE: :
 :
THE EL FARO INCIDENT OFF : NTSB Accident No.
THE COAST OF THE BAHAMAS ON : DCA16MM001
OCTOBER 1, 2015 :
 :
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Interview of: Jaime Torres

Thursday,
December 3, 2015

Residence Inn
Jacksonville, Florida

BEFORE:

CARRIE BELL, NTSB

This transcript was produced from audio
provided by the National Transportation Safety Board.

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PRESENT ON BEHALF OF THE INTERVIEWEE:

GIL FELTEL, ESQ., Tanner Bishop

P-R-O-C-E-E-D-I-N-G-S

9:05 a.m.

MS. BELL: Good morning. My name is Carrie Bell. I am the human performance investigator for the NTSB and I am the chairperson for the human performance group.

Today is December 3. It is 9:05 and we are at the Residence Inn in Jacksonville, Florida.

The interview today is in regard to the El Faro accident. We are interviewing Jaime Torres. Mr. Torres, could you please state your name and spell it for us?

MR. TORRES: Jaime Torres. J-A-I-M-E T-O-R-R-E-S.

MS. BELL: Thank you. Also present, we're going to go around the room. We'll start here.

MR. STETTLER: I'm Jeff Stettler with the U.S. Coast Guard.

MR. GRUBER: Tom Gruber, ABS.

MS. FINSTERBUSCH: Patty Finsterbusch, TOTE Services.

MR. RICHARDS: Mike Richards, NTSB.

MR. PETERSON: Lee Peterson, the TOTE party coordinator.

MS. SERRIDGE: Melissa Serridge, TOTE

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1 Services.

2 LCDR [REDACTED]: [REDACTED] with the Coast
3 Guard.

4 MR. FAWCETT: Keith Fawcett. I'm a
5 civilian. I'm an investigator with the Coast Guard,
6 licensed merchant mariner, and I work with Carrie's
7 human performance group.

8 MR. STOLZENBERG: Eric Stolzenberg, NTSB.

9 LCDR [REDACTED]: [REDACTED] Coast
10 Guard.

11 MS. BELL: And on the phone? Mike?

12 MR. KUCHARSKI: Good morning Jaime and all.
13 Mike Kucharski, NTSB, group chairman, nautical
14 operations.

15 MS. BELL: Jon?

16 MR. FURUKAWA: And Jon Furukawa, NTSB.

17 MS. BELL: So, thank you, everyone. And we
18 have here?

19 MR. FELTEL: Gilbert Feltel, Tanner Bishop
20 law firm, here as Mr. Torres' representative.

21 MS. BELL: So, the NTSB is an independent
22 federal agency charged with determining the probable
23 cause of transportation accidents and promoting
24 transportation safety.

25 We're not part of the Department of

1 Transportation or the U.S. Coast Guard. We don't have
2 any regulatory or enforcement powers.

3 The purpose of our investigation is to
4 increase safety, not to assign fault, liability, or
5 blame.

6 However, NTSB cannot guarantee -- cannot
7 offer any guarantee of confidentiality or immunity from
8 legal or license actions.

9 We would like to record the interview just
10 to ensure an accurate record. Do you have an objection
11 to this?

12 MR. TORRES: No.

13 MS. BELL: Okay. A transcript will be
14 provided to you for you to review as you know. You've
15 done this once before. So that will be sent to you
16 before it will go into the public docket.

17 You can also have one representative of your
18 choice which you have. He cannot testify for you, but
19 if you have questions feel free to ask him on the side.
20 You guys can converse if you need to.

21 Please answer all the questions to the best
22 of your recollection. If you don't understand a
23 question feel free to have it repeated. And if you're
24 misstated -- if you feel like you have not said
25 something correctly you can modify your statement if

1 you need to.

2 So, we'll go ahead and start the interview.
3 We'll just go around. And I'll start with a set of
4 questions regarding human performance.

5 And then, just that's basically about crew
6 interaction, performance evaluations, safety, things
7 like that.

8 And once I'm finished with my questions
9 we'll go around the room and if anyone has questions
10 related to that we'll go through those and kind of --
11 each subject we'll go through, and go around the room,
12 and everyone can ask those questions if they need to.

13 And if anyone on the phone gets missed
14 please speak up and we'll ask your questions too.
15 Anyone have any questions? We're good to go?

16 Can you just give us your title and your
17 roles and responsibilities?

18 MR. TORRES: On the El Faro I was chief
19 mate, chief officer. And as far as roles and
20 responsibilities I was in charge of the deck
21 department, cargo operations, and general maintenance
22 of the deckside.

23 MS. BELL: And can you go into any more
24 detail about -- so, what was your responsibility in
25 terms of day-to-day activities?

1 MR. TORRES: Day-to-day activities at sea I
2 was responsible for standing a watch as well as
3 supervising the unlicensed deck department and general
4 maintenance of the ship.

5 MS. BELL: And we'll start talking a little
6 bit about your interaction with Captain Davidson and
7 the other senior officers.

8 So, I understand that you worked with him
9 some. I don't know how often you sailed with Captain
10 Davidson. Can you elaborate on that?

11 MR. TORRES: In my time on the El Faro most
12 of my time was spent with the other captain. But I did
13 sail with Captain Davidson.

14 MS. BELL: The other captain being?

15 MR. TORRES: Eric Axelsson. (phonetic)

16 *7:04:14

17 MS. BELL: Okay. So, you sailed with both
18 of them then. So, could you give us kind of an
19 overview of what the differences were between the two
20 captains?

21 MR. TORRES: As far as what differences?

22 MS. BELL: As far as just working with them
23 in general. The working environment. If it was more
24 formal with one or the other. If there was more
25 adherence to certain rules. Things of that nature.

1 MR. TORRES: I can't tell you any specific
2 differences between either of them. Both seemed the
3 same as far as general attitude about the ship and
4 interaction.

5 MS. BELL: So, how did Captain Davidson get
6 along with the other officers?

7 MR. TORRES: I can't speak about other
8 officers. I can speak about myself.

9 MS. BELL: Okay.

10 MR. TORRES: I didn't have an issue with
11 Captain Davidson or have any problems with him.

12 MS. BELL: Okay. Would you say there was
13 ever any tension, on a regular basis, not just one
14 time, but was there tension or anything like that on
15 the bridge with Captain Davidson?

16 MR. TORRES: On my end not that I can
17 recall, no.

18 MS. BELL: Or any that you know of.

19 MR. TORRES: No, not that I'm aware.

20 MS. BELL: Okay. Could you say if he ever
21 made decisions that you would deem risky decisions?

22 MR. TORRES: In my time on the El Faro with
23 Captain Davidson, no. I can't recall any risky
24 decisions that he had made.

25 MS. BELL: Did you ever hear of him making

1 risky decisions?

2 MR. TORRES: No.

3 MS. BELL: Or decisions that were -- that
4 did not follow with regular -- with the rules or with
5 what you typically did on a regular basis?

6 MR. TORRES: No, not that I'm aware of.

7 MS. BELL: Did you ever work with him under
8 any kind of adverse weather conditions?

9 MR. TORRES: No, I did not.

10 MS. BELL: Can you talk a little bit about
11 sleep opportunity? While you were on the ship what is
12 your regular routine in terms of sleep time and work
13 time?

14 MR. TORRES: At sea it would vary. I'm
15 sorry, I take that back. On sea it was pretty much
16 routine. In port it would vary.

17 Generally we would keep to the STCW work
18 hours and with a minimum rest of six hours. Never to
19 exceed 14 hours of work and no less than 10 hours of
20 rest with 6 in one shot.

21 MS. BELL: And that was at sea?

22 MR. TORRES: At sea and in port.

23 MS. BELL: And in port.

24 MR. TORRES: Correct.

25 MS. BELL: So what was your -- a typical

1 overtime schedule for you? How many hours of overtime
2 would you work?

3 MR. TORRES: One.

4 MS. BELL: One hour of overtime?

5 MR. TORRES: A day, correct.

6 MS. BELL: Okay. And would you say anyone
7 ever complained about being tired based on their
8 schedule?

9 MR. TORRES: No, I can't recall anybody
10 complaining about being tired.

11 MS. BELL: Did you ever hear the captain
12 talk about the schedule and people not having enough
13 rest, or having plenty of rest, or anything like that?

14 MR. TORRES: Which captain are you speaking
15 of?

16 MS. BELL: I'm sorry, Captain Davidson.

17 MR. TORRES: No, I can't recall any specific
18 incidents.

19 MS. BELL: Okay. So, would you say the
20 working environment under Captain Davidson was similar
21 to the working environment under Captain Axelsson?

22 MR. TORRES: Correct. I can't recall any
23 specific differences as far as working environment with
24 either captain.

25 MS. BELL: Okay. Can you talk a little bit

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1 about performance evaluations? The kind of performance
2 evaluations you had and how often you had them.

3 MR. TORRES: In my time on the El Faro
4 Captain Davidson wrote evaluations pretty much every
5 time he signed off the vessel.

6 So, whenever the captains were turning over
7 he would write an evaluation. On me specifically.

8 MS. BELL: And so every time he got off the
9 ship or you got off the ship?

10 MR. TORRES: Both, actually, yes. Whenever
11 he got off the ship or I signed off under him he would
12 write an evaluation.

13 MS. BELL: Okay. And how were those
14 evaluations? How were you rated typically?

15 MR. TORRES: Typically good to very good.

16 MS. BELL: Did you --

17 MR. TORRES: Depending on what area. I
18 mean, the evaluation goes into different areas of
19 performance so it would vary from good to very good, or
20 excellent in some areas.

21

22 MS. BELL: Okay. Would you ever have
23 discussions about those evaluations?

24 MR. TORRES: Correct. Yes, at the time he
25 would hand you the evaluation he would ask you if you

1 had anything to say.

2 MS. BELL: Did you ever have anything to
3 add, or have a problem with any of your evaluations?

4 MR. TORRES: No, I did not.

5 MS. BELL: Did you ever have a negative or
6 bad evaluation?

7 MR. TORRES: No.

8 MS. BELL: So, I understand that you --
9 you're currently second mate?

10 MR. TORRES: Correct.

11 MS. BELL: Can you explain how you went from
12 chief mate to second mate?

13 MR. TORRES: I was demoted towards the end
14 of my tour on the El Faro.

15 MS. BELL: On which tour was that?

16 MR. TORRES: The last time I was on the El
17 Faro.

18 MS. BELL: Can you tell me when that was?

19 MR. TORRES: I signed off the El Faro July
20 28.

21 MS. BELL: And can you tell me the reason
22 for that demotion?

23 MR. TORRES: Evidence was sent to the office
24 where I had passed out, or fallen asleep on the bridge.

25 MS. BELL: During your watch?

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1 MR. TORRES: Correct.

2 MS. BELL: And so how did you find out that
3 that evidence had been sent?

4 MR. TORRES: A week before I was to sign off
5 on the El Faro, a week before July 28 I was called into
6 the captain's office and sat down.

7 And the evidence, the two pictures were
8 presented to me.

9 MS. BELL: So there were pictures.

10 MR. TORRES: Correct.

11 MS. BELL: Someone on the bridge had taken -
12 - or someone on the ship had taken pictures?

13 MR. TORRES: Somebody, yes.

14 MS. BELL: And what kind of conversation was
15 that?

16 MR. TORRES: I was given a verbal warning.

17 MS. BELL: Just a warning.

18 MR. TORRES: Correct.

19 MS. BELL: And so from there what happened?

20 MR. TORRES: From there the week that I was
21 supposed to sign off, a week later, July 28, I was
22 called the morning that I was supposed to sign off and
23 told that I was no longer going to continue to be chief
24 mate on the El Faro. And that if I wanted a position
25 it was going to be a second mate on the El Yunque.

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1 MS. BELL: On the El Yunque. So they were
2 switching to the El Yunque.

3 MR. TORRES: Correct.

4 MS. BELL: And who made that phone call to
5 you?

6 MR. TORRES: Mick Kondracki.

7 MS. BELL: Did you work with him on a
8 regular basis?

9 MR. TORRES: Mick Kondracki? No, I had
10 never met him before we sat down the day I was given
11 the warning. I met him that day.

12 MS. BELL: The day you were given the
13 warning.

14 MR. TORRES: Correct.

15 MS. BELL: A week before this phone call.

16 MR. TORRES: Correct. And to correct, I
17 don't know if I said verbal warning. It was actually a
18 written warning.

19 MS. BELL: Oh, okay. Do you know if -- so
20 was that put into your performance evaluation then?

21 MR. TORRES: No, it was not.

22 MS. BELL: So, there was no record except
23 you did have a written warning that was not attached to
24 your performance evaluation.

25 MR. TORRES: At the time I signed off the

1 vessel Captain Axelsson who was the captain when I was
2 demoted and signed off the vessel, he did not write a
3 performance evaluation.

4 MS. BELL: Was that typical?

5 MR. TORRES: It was typical, yes.

6 MS. BELL: So, he didn't always -- he was
7 not -- like Captain Davidson, he did not -- unlike
8 Captain Davidson he did not do a performance evaluation
9 every time he left the ship.

10 MR. TORRES: That's correct.

11 MS. BELL: Okay. And he was in charge when
12 you got the verbal warning.

13 MR. TORRES: That's correct.

14 MS. BELL: Okay. Thank you. Do you know if
15 performance evaluations affect getting a position on
16 the LNG ships?

17 MR. TORRES: I would think so, yes.

18 MS. BELL: Do you have a position on an LNG
19 ship?

20 MR. TORRES: No.

21 MS. BELL: Or is there a chance that you
22 might for one of the future ships?

23 MR. TORRES: That remains to be seen.

24 MS. BELL: You haven't had conversations
25 about that with the company?

1 MR. TORRES: Before I was demoted I was
2 scheduled or appointed to be the first chief mate of
3 the first ship.

4 After I was demoted, no, there haven't been
5 any conversations as far as moving onto the new ships.

6 MS. BELL: So you did have confirmation
7 beforehand that you were going to be chief mate?

8 MR. TORRES: I was told that, yes.

9 MS. BELL: Okay. Do you know if there was
10 any -- I've heard that the LNG ship positions were
11 something to be -- that were kind of talked about on
12 the ship.

13 People weren't sure if they were getting
14 positions. Some people thought they were. Some
15 weren't sure.

16 Would you say that created any kind of
17 tension or decrease in morale on the ship?

18 MR. TORRES: Yes, it did create tension.

19 MS. BELL: Were there conversations about
20 that?

21 MR. TORRES: Yes. Some people were hopeful.
22 Most of us were hopeful to be selected.

23 MS. BELL: And was there a lot of question
24 about who was -- people didn't know if they were being
25 selected, or weren't supposed to say anything?

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1 MR. TORRES: Both, yes. To answer both
2 questions.

3 You weren't -- nobody knew whether they were
4 getting selected or not, and once you did know you
5 couldn't speak of it.

6 MS. BELL: Okay. I would say that would
7 create tension.

8 MR. TORRES: Correct.

9 MS. BELL: Do you know if there were any
10 grievances that people were considering filing based on
11 that?

12 MR. TORRES: I did hear from Captain
13 Davidson that he considered filing a grievance after he
14 had heard, or he was told that he was not selected.

15 MS. BELL: Did he tell you that?

16 MR. TORRES: Yes, he did.

17 MS. BELL: Do you know when that was?

18 MR. TORRES: Sometime in my last tour on the
19 El Faro.

20 MS. BELL: In July?

21 MR. TORRES: I couldn't say it was July.
22 Sometime in the period that I was signed on the vessel,
23 up until July 28.

24 MS. BELL: Okay. So, was he told -- I mean,
25 do you know when he was told that he was not getting

1 that position?

2 MR. TORRES: No.

3 MS. BELL: But he was upset about that.

4 MR. TORRES: He was upset about not being
5 selected, yes.

6 MS. BELL: I'm going to go around the room
7 and see if anyone has anything about performance
8 evaluations or crew interaction. I'll start on this
9 side of the table.

10 MR. STETTLER: Nothing from me.

11 MR. GRUBER: Nothing.

12 MS. FINSTERBUSCH: No questions.

13 MR. RICHARDS: No questions.

14 MR. PETERSON: This is Lee Peterson with
15 TOTE. Hey Jaime, you were talking about you were
16 mainly with Axelsson. Can you give a rough estimate of
17 how much time you actually spent with Davidson? How
18 many months? I mean really.

19 MR. TORRES: I can tell you that in a 10-
20 week rotation it was never more than 5 weeks with
21 Davidson. It was generally less than that.

22 MR. PETERSON: And you're doing three
23 rotations a year on the ship?

24 MR. TORRES: Yes.

25 MR. PETERSON: About like that?

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1 MR. TORRES: Yes.

2 MR. PETERSON: And he was on there for two
3 years or so.

4 MR. TORRES: Correct.

5 MR. PETERSON: Okay. Thanks.

6 MS. BELL: That was five weeks total? I
7 mean approximately.

8 MR. TORRES: Approximately, yes.

9 MS. BELL: Thank you.

10 MS. SERRIDGE: No questions.

11 LCDR DENNING: No questions.

12 MR. FAWCETT: Keith Fawcett with the Coast
13 Guard. Just to follow up on a few things that you
14 talked about.

15 So, Captain Davidson was not happy that he
16 wasn't selected for the LNG ships. What kind of
17 conversations did you have with Captain Davidson about
18 that subject?

19 MR. TORRES: There was only one conversation
20 that Captain Davidson and I had about the subject. And
21 he pulled me outside on the bridge one morning and he
22 said that he was basically unhappy he hadn't been
23 selected.

24 MR. FAWCETT: And was that a private
25 conversation between you and the captain?

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1 MR. TORRES: That's correct.

2 MR. FAWCETT: And what was the duration of
3 that conversation?

4 MR. TORRES: Approximately 5 or 10 minutes.

5 MR. FAWCETT: Okay. Did he talk about what
6 his view was, you know, as to the reason?

7 MR. TORRES: As to the reason?

8 MR. FAWCETT: That he wasn't selected. You
9 know, he had been with TOTE for a considerable period
10 of time, well respected and so forth. But did he
11 express any thoughts about the reasons that he
12 suspected he wasn't selected?

13 MR. TORRES: He told me that the reason he
14 was given that he wasn't selected was that TOTE was
15 going in another direction. That's what he said the
16 reason was that he wasn't selected.

17 MR. FAWCETT: And no amplification on
18 "another direction" or what that could mean?

19 MR. TORRES: I didn't ask as to what that
20 meant and he didn't specify.

21 MR. FAWCETT: Did he talk about how
22 seriously that affected him? Did he say I'm deeply
23 disappointed? Can you expand on that conversation a
24 little bit?

25 MR. TORRES: All he said was that he felt

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1 that he was a better candidate and that he was upset
2 that he wasn't even considered for a -- not just a
3 captain's position, but possibly a chief mate, or a
4 junior officer's position. And that's all he spoke
5 about.

6 MR. FAWCETT: And you didn't speak about
7 that again, that subject?

8 MR. TORRES: No.

9 MR. FAWCETT: Returning to the demotion,
10 your first conversation when you were consulted with
11 the photographic evidence, that was with Captain --
12 which captain?

13 MR. TORRES: Axelsson.

14 MR. FAWCETT: Okay. Typically you would be,
15 you know, when somebody sat you down with such a
16 serious -- we know what sleeping on watch is about.

17 So, the captain sits you down. He presents
18 you with this evidence, correct?

19 MR. TORRES: It wasn't just the captain.

20 MR. FAWCETT: Who else was it?

21 MR. TORRES: Mick Kondracki.

22 MR. FAWCETT: No, I'm talking about you're
23 on shipboard. Is this the week -- you had a written
24 warning the week before you signed off? Isn't that
25 what you said?

1 MR. TORRES: Correct. The day that I was
2 given the written warning it wasn't just with Captain
3 Axelsson. There were people from the office sitting in
4 the meeting as well.

5 MR. FAWCETT: Okay. So, they show you some
6 images, I suppose. And what do those images portray?

7 MR. TORRES: They were two pictures of where
8 I had fallen asleep on the bridge.

9 MR. FAWCETT: Okay. So, where were you on
10 the bridge?

11 MR. TORRES: I had sat down in a chair.

12 MR. FAWCETT: Okay. And was that while
13 underway at sea, or at port?

14 MR. TORRES: It was underway at sea.

15 MR. FAWCETT: Okay. So, they're confronting
16 you with this evidence, and these allegations and so
17 forth. And what did you offer in your defense?

18 MR. TORRES: What I offered in my defense
19 was that it was inexcusable and that I had no
20 explanation or -- explanation as to why it happened.

21 MR. FAWCETT: All right. So, we're looking
22 at human performance. Did you mention anything about
23 fatigue, that the watch schedule, the workload,
24 anything like that to bolster the fact that the
25 conditions may have caused you to nod off, fall asleep,

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1 or whatever?

2 MR. TORRES: The question wasn't asked.

3 MR. FAWCETT: Okay. And you did get enough
4 rest at sea, correct?

5 MR. TORRES: Yes.

6 MR. FAWCETT: And Ms. Bell asked you to
7 compare and contrast Captain Axelsson and Captain
8 Davidson. And you said there was not really a
9 discernible difference.

10 MR. TORRES: Correct. Nothing that comes to
11 mind.

12 MR. FAWCETT: Okay. So, what I'd like to do
13 is ask you about a couple of areas. So, let's talk
14 about voyage planning. Before the vessel sails the
15 captain has to sign off on the voyage plan.

16 So, can you talk about -- and I know you're
17 not the second mate in this capacity. On this
18 particular voyage you were sailing as chief and the
19 second mate usually handles the navigation duties.

20 But can you talk about Captain Davidson's
21 voyage planning? How he signs off and approves a
22 voyage plan?

23 MR. TORRES: There's nothing I can say about
24 it. I wasn't directly involved with it so I don't know
25 how the signing off of the voyage plan took place

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1 between him and the second mate.

2 MR. FAWCETT: All right. So, you're on the
3 ship in hurricane season with Captain Davidson on that
4 June-July time frame, correct?

5 MR. TORRES: Correct. Yes.

6 MR. FAWCETT: Okay. Could you talk about
7 how Captain Davidson assessed the risk for a voyage in
8 terms of you're the second in command of the ship.
9 Could you characterize the discussions he had with you?

10 MR. TORRES: In my time on the El Faro we
11 never had significant weather where the discussion had
12 to take place. So, for that the discussion as far as
13 weather routing, or voyage planning, or any diversion
14 from the general course we used to take never took
15 place.

16 MR. FAWCETT: Okay. So, did you have any
17 discussions about -- for a specific voyage during that
18 time frame, that June-July time frame, any discussions
19 about managing the risks associated with the voyage?

20 MR. TORRES: There was no risk to manage so
21 we never had the discussion.

22 MR. FAWCETT: So, there's no risk to manage
23 like on a voyage of a vessel?

24 MR. TORRES: What risk are you implying?

25 MR. FAWCETT: Well, for example, entering

1 confined waters, coming into port, getting ready to
2 depart port. I mean, was there a discussion, did
3 Captain Davidson and you or the other officers that you
4 witnessed have a discussion about how you would manage
5 the risk?

6 For example, we're getting underway. This
7 is what we're going to do. There's traffic in the
8 channel.

9 MR. TORRES: As far as weather is concerned
10 as I said there was no risk discussions that ever took
11 place. If there were traffic concerns, or entering
12 restricted waters, yes, conversations took place.

13 MR. FAWCETT: Okay. So, during the time you
14 were onboard the vessel did you lower the ship's
15 lifeboat?

16 MR. TORRES: That is correct.

17 MR. FAWCETT: Okay. How did Captain
18 Davidson talk to you about how that operation was going
19 to take place?

20 MR. TORRES: I can't recall any specific
21 instruction he gave. Lowering the lifeboats was a
22 weekly routine. There was nothing out of the ordinary
23 that would have to be said.

24 MR. FAWCETT: And were they doing any work
25 on the davits of the lifeboat, anything, maintenance,

1 winches, pennants, wires?

2 MR. TORRES: On my last trip on the El Faro
3 nothing comes to mind as far as any out of the ordinary
4 maintenance that was taking place.

5 MR. FAWCETT: Okay. And just for the human
6 performance side of it, you know, we're trying to
7 understand decision-making.

8 So now, looking at Captain Axelsson, you
9 served with him during the same general time frame,
10 right? During hurricane season.

11 Did he talk to you about managing the risks
12 of a voyage for weather?

13 MR. TORRES: No, the conversation never took
14 place.

15 MR. FAWCETT: Did he, like, assess the risks
16 and manage the risks of entering and leaving harbor,
17 and dealing with traffic?

18 MR. TORRES: Yes, he did.

19 MR. FAWCETT: How about lifeboat operations,
20 or lowering lifeboats?

21 MR. TORRES: As I said weekly, the lifeboats
22 were routinely lowered on a weekly basis. So, I can't
23 recall any specific instance where there was a specific
24 conversation about lowering lifeboats.

25 MR. FAWCETT: Did -- were their night orders

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1 the same? I mean, I'm talking about in general, not
2 for a specific instance. Would Axelsson's and
3 Davidson's night orders contain similar content if I
4 reviewed them?

5 MR. TORRES: In general, yes.

6 MR. FAWCETT: Was there like meeting traffic
7 were ever tracked, you know, doing collision avoidance
8 radar, CPAs? Was it the same distance and times?

9 MR. TORRES: Yes, that's correct.

10 MR. FAWCETT: How about -- if I attended a
11 safety meeting while you were aboard the El Faro could
12 you tell me how Captain Davidson conducted the safety
13 meeting while you were on there?

14 MR. TORRES: On my time on the El Faro
15 Captain Davidson didn't attend safety meetings.

16 MR. FAWCETT: He did not attend. Did
17 Captain Axelsson attend safety meetings?

18 MR. TORRES: Yes, he did.

19 MR. FAWCETT: How about if Captain Davidson
20 didn't attend the safety meeting, who conducted the
21 meetings?

22 MR. TORRES: I did. Or the chief mate did.

23 MR. FAWCETT: And what would be the reason
24 that the captain of the ship wouldn't attend the safety
25 meeting?

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1 MR. TORRES: He preferred that the chief
2 mate lead the meeting, and he preferred that he'd stay
3 on the bridge so that the entire crew could attend the
4 meeting, aside from who had to stay on watch in the
5 engine room.

6 MR. FAWCETT: And was that the practice of
7 Captain Axelsson?

8 MR. TORRES: No, as I said Captain Axelsson
9 would attend the meeting.

10 MR. FAWCETT: And would he conduct the
11 meeting?

12 MR. TORRES: Correct.

13 MR. FAWCETT: And how long did the safety
14 meetings you conducted, how long did they last?

15 MR. TORRES: I can't recall a specific time.
16 All of that documentation was forwarded to the office
17 at the end of the quarter.

18 MR. FAWCETT: And when Captain Axelsson
19 conducted a safety meeting you were in attendance?

20 MR. TORRES: Correct.

21 MR. FAWCETT: And how did Captain Axelsson
22 conduct the safety meeting as different from you did?

23 MR. TORRES: We would both follow basically
24 the same outline, going from old minutes to new
25 minutes. And opening up to the crew as far as to any

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1 safety concerns, or any safety issues that anybody had.

2 MR. FAWCETT: Looking at bridge resource
3 management, how the bridge team interacts with one
4 another, was Captain Davidson, do you feel that at any
5 time you could speak up and challenge the decisions of
6 the captain?

7 MR. TORRES: Yes, I can say that -- I can't
8 recall of a specific instance where it did occur. I
9 can't say that. He did seem open to it.

10 MR. FAWCETT: And once again just to get a
11 baseline, can you compare that with Captain Axelsson?

12 MR. TORRES: I can't recall any specific
13 difference between the two of them. They both seemed
14 open to it.

15 MR. FAWCETT: Then at any time when you were
16 aboard the El Faro did you witness, overhear any
17 consultations that took place between ships officers
18 and TOTE regarding deviations of the planned voyage,
19 routes, increases of speed, decreases of speed?

20 MR. TORRES: As far as increases or
21 decreases of speed it was generally conducted through
22 email from the office to the captain.

23 And sometimes the bridge or the chief mate
24 would be copied in on the messages.

25 And as far as deviations or route goes I

1 can't recall a specific instance where we ever had to
2 divert.

3 MR. FAWCETT: Do you recall, like, on the
4 emails that you might have been copied on, did the
5 company come back in some fashion from somebody ashore
6 and say permission granted, roger that, understand,
7 understood, or anything else that affirmed the decision
8 to increase or decrease speed?

9 MR. TORRES: No, nothing comes to mind.

10 MR. FAWCETT: While you were on the El Faro
11 were you ever late making arrival?

12 MR. TORRES: Possibly, yes.

13 MR. FAWCETT: Do you recall the incident?

14 MR. TORRES: During whale season generally
15 we're pressed for time. If we leave late out of
16 Jacksonville and we have the time change in addition to
17 whale season. If you have a strong easterly wind it's
18 possible you might be late into San Juan.

19 MR. FAWCETT: And I've kind of reviewed a
20 lot of this information, but the whale zone, the right
21 whale zone, about how much geographic area does that
22 affect your route? Is it 100 miles? Or 50 miles?

23 MR. TORRES: It's 30.1 nautical miles
24 heading southeast and about 33.5 if you go through the
25 easterly lane. And that's at 10 knots for the 30 mile

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1 southeast, and 10 knots for the 33.5 miles easterly.

2 MR. FAWCETT: Thank you very much.

3 MR. TORRES: Sure.

4 MS. BELL: I have a couple of follow-up
5 questions from those specific questions.

6 You mentioned the safety meeting, you
7 conducted the safety meetings, the weekly safety
8 meetings. Did you log meeting minutes for those?

9 MR. TORRES: That is correct. Notes were
10 taken during the safety minutes with Captain Davidson.
11 And my notes were given to him, and he would write the
12 safety meeting minutes.

13 MS. BELL: Can you clarify, you said notes
14 were taken by Davidson before you had the meeting?

15 MR. TORRES: No, no, no. Notes were taken
16 during the meeting and then passed onto Davidson where
17 he would type up the meeting minutes.

18 MS. BELL: Okay. So he reviewed the minutes
19 after you conducted the meeting.

20 MR. TORRES: Correct. The notes were taken
21 at the meeting and then passed to him where he would
22 type up the minutes themselves.

23 MS. BELL: Okay. Thank you. Did you have
24 any kind of discussion about the minutes? After the
25 meeting would you sit down with him and have a

1 conversation about how it went?

2 MR. TORRES: Yes. After the meeting ended
3 and the notes were handed over to him a conversation
4 would take place about how the meeting went.

5 MS. BELL: Okay. And in general would you
6 say that Captain Davidson was well respected by the
7 crew?

8 MR. TORRES: Yes.

9 MS. BELL: Okay. I'm sorry, I didn't
10 include John and Mike on the go-around here. Do you
11 guys have any questions related to what we've been
12 discussing?

13 MR. FURUKAWA: Hey, it's Jon Furukawa, NTSB.
14 Jaime?

15 MR. TORRES: Yes.

16 MR. FURUKAWA: Do you know when you were
17 presented the photos of you sleeping were you explained
18 what day that was?

19 MR. TORRES: I'm sorry, can you say it
20 again?

21 MR. FURUKAWA: Did you know what day that
22 was when the photos of you sleeping on the bridge?

23 MR. TORRES: No, I do not.

24 MR. FURUKAWA: Okay. So you don't know your
25 work schedule before that.

1 MR. TORRES: That's correct.

2 MR. FURUKAWA: Okay. That's all I have.

3 MR. KUCHARSKI: Good morning, Jaime. Mike
4 Kucharski here.

5 MR. TORRES: Good morning.

6 MR. KUCHARSKI: Did Eric Axelsson have any
7 conversation with you about why he left TOTE?

8 MR. TORRES: No, we never spoke after that.
9 After I signed off --

10 MR. KUCHARSKI: I can't hear him. Hey Jon,
11 put your phone on mute.

12 MR. FURUKAWA: Mine's on mute.

13 MR. KUCHARSKI: Okay, thanks.

14 MR. TORRES: After I signed off the El Faro
15 on July 28 Captain Axelsson and I never spoke about why
16 he left TOTE.

17 MR. KUCHARSKI: Okay, thank you. Was there
18 an actual interview process for the officers who would
19 be on the Marlin-class vessels?

20 MR. TORRES: From what I've seen, yes. The
21 senior officers that have gone onto the Marlin vessels
22 have gone through a formal interview process.

23 MR. KUCHARSKI: Okay. I think you stated
24 earlier that you were originally slated to go on there,
25 one of the Marlin-class vessels, is that correct?

1 MR. TORRES: That's correct.

2 MR. KUCHARSKI: Was that in the position of
3 chief officer?

4 MR. TORRES: That's correct.

5 MR. KUCHARSKI: Did you participate in any
6 formal interview process?

7 MR. TORRES: Not at this time, no.

8 MR. KUCHARSKI: How were you notified that
9 you were going to be one of the chief officers on the
10 Marlin-class vessels?

11 MR. TORRES: I was called initially and
12 asked to sign an NDA, a non-disclosure agreement.

13 MR. KUCHARSKI: Okay. Who called you
14 initially?

15 MR. TORRES: Melissa Clark.

16 MR. KUCHARSKI: Okay, thank you. That's all
17 I have related to -- in the human performance
18 questions. I'll wait for the weather-related when
19 you're ready to go.

20 MS. BELL: Thank you, Mike. So, you did not
21 participate in the interview, but you signed an NDA, an
22 agreement that Melissa had sent you, is that correct?

23 MR. TORRES: That's correct.

24 MS. BELL: Okay. Did you interview for your
25 original position at TOTE? The first time you came

1 onboard did you go through an interview process?

2 MR. TORRES: No.

3 MS. BELL: How were you hired?

4 MR. TORRES: I started initially with TOTE
5 back in 2005 after Hurricane Katrina where the SUNY
6 Maritime College training ship was activated and I was
7 hired as third mate to take the ship out of New York
8 and go down to New Orleans to assist with the hurricane
9 relief.

10 From then I was transferred to the car
11 carriers where I sailed for approximately two years
12 with ARC under TOTE which was Interocean American
13 Shipping.

14 And then I was transferred into Sea Star
15 Line as second mate on the El Yunque.

16 MS. BELL: So, did you have -- you did have
17 an interview before you started, or you did not?

18 MR. TORRES: No, I did not.

19 MS. BELL: Okay, thank you. You had to turn
20 in a resume, I'm assuming?

21 MR. TORRES: Correct.

22 MS. BELL: Okay. Was there any training
23 that you had to partake in before you actually started
24 work?

25 MR. TORRES: I had my third mate's license

1 and my training from the academy.

2 MS. BELL: No specific training for the
3 company though other than that?

4 MR. TORRES: No.

5 MS. BELL: Okay. Thank you. I want to talk
6 a little bit about safety. We talked about the weekly
7 safety meetings.

8 Were there any drills that you did on a
9 regular basis? Safety drills.

10 MR. TORRES: Yes. We had weekly safety
11 drills.

12 MS. BELL: And what did those entail?

13 MR. TORRES: Part of our safety management
14 system, we have basically a template or a log sheet
15 that we keep and identifying different drills that we
16 do on a quarterly basis and we go by that. And we
17 complete that in a three-month period.

18 MS. BELL: And what do you do with that log?
19 Does that go to the company?

20 MR. TORRES: That's forwarded to the office
21 at the end of the quarter.

22 MS. BELL: At the end of the quarter. Okay.

23 MR. TORRES: Correct.

24 MS. BELL: With -- what information goes
25 into that log?

1 MR. TORRES: The description of the drill,
2 how it took place, everybody's signature who took part
3 in the drill. And what the drill was, basically a
4 description of the drill.

5 MS. BELL: Okay. Did you ever do any drills
6 related to the emergency response team? So, they would
7 set up a scenario and someone would call the emergency
8 line and go through a scenario.

9 MR. TORRES: Yes, we did.

10 MS. BELL: Can you explain how that worked?
11 Or one specific scenario that you can recall.

12 MR. TORRES: As part of the quarterly drills
13 there was a QI notification drill that we did on a
14 quarterly basis where we would notify the office and
15 actually make the call to the office as part of the
16 drill.

17 MS. BELL: And that was quarterly?

18 MR. TORRES: Correct.

19 MS. BELL: And so you had to make -- did you
20 have to make a phone call?

21 MR. TORRES: No, the captain did.

22 MS. BELL: To the emergency line?

23 MR. TORRES: Correct.

24 MS. BELL: Okay. And only the captain had
25 to do that? There was never a time when they had

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1 someone else?

2 MR. TORRES: I was generally on deck for the
3 drill so it's possible that the second mate might have
4 been appointed by the captain to make the call so that
5 he could get some training to do it.

6 But I can't recall or tell you a specific
7 instance where that took place.

8 MS. BELL: After those kind of drills would
9 you have a conversation, or talk about lessons learned,
10 or what you could do differently the next time, or what
11 went well?

12 MR. TORRES: Yes. Generally at the end of
13 every drill we have a debrief with the crew where we
14 would speak of lessons learned, where we could do
15 better, and what took place during the drill.

16 MS. BELL: Did you ever do -- I'm sorry, go
17 ahead.

18 MR. TORRES: Also, in addition to that there
19 is an annual exercise we do with the company. So in
20 addition to the drills we do onboard the ship we do an
21 annual exercise with the company where a notification
22 would take place.

23 MS. BELL: Can you describe that?

24 MR. TORRES: All right. A drill is ship-
25 related where an exercise involves a company. And a

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1 scenario is developed and communications are maintained
2 between the ship and the company during that exercise.

3 MS. BELL: Can you remember any specific
4 instance that -- just give an example of how that might
5 go, what the scenario would be.

6 MR. TORRES: It could be anything from a
7 made-up scenario, for example, a bomb search, or the
8 company getting a notification that the bomb's onboard.
9 And then issues are addressed within the ship, and
10 communications are maintained within the office at the
11 same time.

12 MS. BELL: And you said that you did that on
13 a yearly basis?

14 MR. TORRES: Yes.

15 MS. BELL: Okay. And how is that different
16 from the emergency response team drill we were talking
17 about that you said you do quarterly?

18 MR. TORRES: Correct. Well, the QI
19 notification is a drill that's done in case of an oil
20 spill, or of an environmental issue.

21 Now, if -- and that's what that drill is
22 about. The captain would call as far as the, you know,
23 if we were drilling on that particular issue he would
24 call and say hey, this is what we're practicing and
25 this is why we're calling.

1 MS. BELL: Okay. Thank you for that
2 clarification.

3 Have you ever had any concerns about safety
4 on the El Faro?

5 MR. TORRES: Safety as far as what?

6 MS. BELL: Any kind of safety issues.

7 MR. TORRES: No, nothing comes to mind.

8 MS. BELL: Safety -- what about in terms of
9 maintenance of equipment? If equipment was maintained
10 regularly, if you ever left port when something wasn't
11 maintained because you were trying to meet schedule?
12 Something like that.

13 MR. TORRES: I can't recall a specific issue
14 where there was a specific concern on anything like
15 that.

16 MS. BELL: Did you ever leave port with some
17 kind of a maintenance concern because you had to meet
18 schedule?

19 MR. TORRES: No, not that I'm aware of.

20 MS. BELL: Okay. Did you ever hear of
21 anyone else having concerns about safety issues?

22 MR. TORRES: I can't recall of any specific
23 issues that may have come to mind. It's possible that
24 maybe during a safety meeting a crew member might have
25 brought up something minor. And if it did come up it

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1 would be addressed immediately. But anything
2 significant or major, no, I can't recall anything.

3 MS. BELL: Is there anytime when you thought
4 something needed to be addressed that didn't get
5 addressed by the company in a manner that you felt was
6 timely?

7 MR. TORRES: No, nothing comes to mind
8 specifically like that.

9 MS. BELL: Okay. That's all I've got on the
10 safety. So if you guys have any questions that are
11 related?

12 MR. STETTLER: Nothing related.

13 MR. GRUBER: Nothing related.

14 MS. FINSTERBUSCH: Nothing.

15 MR. FAWCETT: Keith Fawcett. I have a
16 follow-up. What were -- you know, related to the
17 demotion again, were there any policies on the El Faro
18 -- I've served on ships where you weren't allowed to
19 sit. You know, you couldn't use a chair at sea on
20 watch.

21 Were any policies like that in place?

22 MR. TORRES: No.

23 MR. FAWCETT: And the chair was what?

24 MR. TORRES: It was a stool if I recall
25 correctly.

1 MR. FAWCETT: It was like a bridge stool?

2 MR. TORRES: Correct.

3 MR. FAWCETT: In the chart room?

4 MR. TORRES: Yes.

5 MR. FAWCETT: Were there any -- I know it's
6 pretty standard, but were there any policies with TOTE
7 or onboard El Faro that said, you know, you can't sleep
8 on watch. You know, how to conduct your watch.

9 MR. TORRES: Yes, the general policy is no
10 sleeping on watch.

11 MR. FAWCETT: And that's TOTE's policy?

12 MR. TORRES: I would think that's a
13 shipboard general policy.

14 MR. FAWCETT: I understand, but I mean is
15 that written down somewhere?

16 MR. TORRES: Sure.

17 MR. FAWCETT: Okay. Where is that?

18 MR. TORRES: It would be in the OMV.

19 MR. FAWCETT: Okay. Are you under right now
20 -- do you have any non-disclosure agreements in force?

21 MR. TORRES: As far as what?

22 MR. FAWCETT: As far as anything.

23 MR. TORRES: Not that I'm aware of.

24 MR. FAWCETT: And then are you slated for a
25 ship, like service on a ship other than the El Yunque?

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1 MR. TORRES: I was contacted if I wanted to
2 join a ship recently with APL.

3 MR. FAWCETT: Okay. American President
4 Lines.

5 MR. TORRES: Yes.

6 MR. FAWCETT: Okay. Thank you.

7 MR. TORRES: Sure.

8 MS. BELL: On the line, anyone have
9 questions?

10 MR. FURUKAWA: None from Jon.

11 MR. KUCHARSKI: Not relating to human
12 performance, no.

13 MS. BELL: Nothing related to safety
14 specific to what we've been talking about?

15 MR. KUCHARSKI: No, I'm good. This is Mike
16 Kucharski. I'm good.

17 MS. BELL: Thank you. I think we're going
18 to move on to weather issues, the weather topic.

19 I only have a question as it relates to
20 human performance. In terms of the settings on the
21 BonVoyage system, are you familiar with any kind of
22 user preferences, or that there are settings that can
23 be changed by you as a user?

24 MR. TORRES: Yes. BonVoyage can be set up
25 so that you can see what you want to see out of the

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1 software.

2 MS. BELL: So, on the display, the screen --

3 MR. TORRES: Correct.

4 MS. BELL: -- you can declutter or do things
5 to make it --

6 MR. TORRES: Correct. You can see wind.
7 You can see seas, swell. And you can play with it to
8 show what you want it to show.

9 MS. BELL: Okay. So, can you -- I
10 understand there's a special updates section that you
11 can click a box. Do you know anything about that?

12 MR. TORRES: Special updates.

13 MS. BELL: It's like on the right-hand side
14 of the screen. I've only seen a screenshot so I'm
15 asking from just a general standpoint if you can make
16 changes that maybe updates the weather more frequently,
17 or at a different time of day than what you have it set
18 as a default setting.

19 MR. TORRES: I can't recall the specific
20 icon or part of the software.

21 MS. BELL: So, do you make any changes then,
22 aside from just decluttering the screen?

23 MR. TORRES: You can upload your route. You
24 can set up an interval for the ship tracking across the
25 screen depending on what speed you have for your route

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1 and what your ETA, what your departure time is, your
2 ETA is. And that's basically all I can.

3 I mean, aside from the route and your
4 parameters as far as what you want to see, no, I can't
5 think of anything else I would have done with it.

6 MS. BELL: Okay. So, in terms of what time
7 the weather updates, or when you get that update you
8 can't set -- you can't adjust that time.

9 MR. TORRES: No, the email on my end, on the
10 bridge, the email comes in every six hours saying we
11 can't change that. No.

12 MS. BELL: Okay. Thank you. That's the
13 only question I have specific to weather at the moment
14 so I'm going to go around.

15 Actually, do you want to start, Mike, and
16 then we'll go around the room? Mike Kucharski.

17 MR. KUCHARSKI: Yes, I'm here.

18 MS. BELL: Okay.

19 MR. KUCHARSKI: We have -- Mike Richards and
20 I have a ton of questions to ask on BonVoyage, thanks.

21 But before we get into that, Jaime, could
22 you -- just in generalities here, could you walk us
23 through a brief work week schedule while you were
24 sailing chief mate on the El Faro? And just, you know,
25 when you were working on deck, when you were standing

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1 bridge watch?

2 Just a brief. I don't want, you know, blow
3 by blow, but you know, just give us a brief overview.

4 MR. TORRES: Okay. At sea I would stand the
5 04 to 08 bridge watch. Then I would go to maintenance
6 from 0800 to 1300. And then I would stand a bridge
7 watch from 16 to 20.

8 The hour from 12 to 13 would be considered
9 an overtime hour giving me 13 hours for the day.

10 MR. KUCHARSKI: Okay. How about in port?
11 Did you break watches, the eight hours of bridge watch,
12 and then your deck time and rest time. Did you go to
13 six and six or anything like that?

14 MR. TORRES: That's correct, yes. In port
15 the hours would vary each time. The chief mate would
16 break watches and the second and third mate would go
17 six and six.

18 And the chief mate, or myself, I would
19 schedule 6 hours of rest in one shot and not to exceed
20 the 14 hours of work in a day.

21 MR. KUCHARSKI: Okay. Specifically, let's
22 just concentrate on Jacksonville. When did you stand
23 your last bridge watch, when did you go to six and six
24 and when did you resume standing bridge watches on
25 departure from JAX?

1 MR. TORRES: The arrival times varied coming
2 into Jacksonville. And I can't specifically give you a
3 time on when I got off the watch. And it would vary
4 every week. So there's nothing consistent as far as
5 that goes.

6 MR. KUCHARSKI: Okay. Were you on bridge
7 watch ever as chief mate where you picked up the pilot
8 coming into Jacksonville, or come off of the bridge and
9 then the same thing, let go of the pilot?

10 MR. TORRES: No, no, not as chief mate
11 coming into Jacksonville, no.

12 MR. KUCHARSKI: Okay, thank you. Were there
13 any pre-departure or pre-arrival briefs held?

14 MR. TORRES: On the El Faro pre-departure
15 and pre -- with who? Pre briefs with who? With the
16 crew or with the pilot? Who are you specifically
17 asking about?

18 MR. KUCHARSKI: Bridge.

19 MR. TORRES: Okay. The officers on the
20 bridge?

21 MR. KUCHARSKI: Yes, the captain and all the
22 bridge navigation watch officers and maybe the bosuns
23 included or ABs. Is there any pre-departure or pre-
24 arrival brief held on the bridge, navigation type
25 brief?

1 MR. TORRES: If anything was happening out
2 of the ordinary coming in and out of port, or any
3 specific work that was going to be happening in port,
4 yes, the officers did have a discussion on the bridge.

5 And generally whoever the officer was that
6 was on watch when the vessel was arriving, the captain
7 would have a specific discussion with him or her as far
8 as arrival and any details that he wanted to talk
9 about.

10 MR. KUCHARSKI: Okay. So no brief including
11 all the officers, you know, the second mate, chief
12 mate, third mate, the master, maybe the bosun. There
13 was no brief regarding navigation or entering port.

14 I'm zeroing in on navigation. Not talking
15 about operations in port. But a pre-arrival/pre-
16 departure brief relating to navigating that vessel.

17 MR. TORRES: No, it never took place simply
18 because with these ships being on a liner run and being
19 on a routine it would always work like clockwork.

20 So, unless there was something out of the
21 ordinary going on, no, the discussion never took place.

22 MR. KUCHARSKI: Okay. How about bridge
23 resource management assignments. Were assignments made
24 for coming in and out of port? Were there
25 augmentations for coming in and out of port?

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1 MR. TORRES: That is correct. If any
2 changes needed to take place that would have been
3 discussed between the captain and the officer on watch.

4 MR. KUCHARSKI: Okay. Thank you on that.
5 Were you on the bridge performing any official duties
6 while either entering or leaving port?

7 MR. TORRES: It's possible that I might have
8 been standing a watch before getting relieved to go
9 down to the deck depending on the work schedule, and
10 the arrival and departure time in port.

11 MR. KUCHARSKI: Okay, great. Thank you.
12 Did you have a copy of the standing orders of either
13 Captain Davidson or Captain Axelsson?

14 MR. TORRES: No, I don't think I do. No.

15 MR. KUCHARSKI: Were there any preprinted or
16 precalculated weather routes on the El Faro?

17 MR. TORRES: Yes, there were.

18 MR. KUCHARSKI: Okay. Do you know if they
19 were similar to what was found on El Yunque?

20 MR. TORRES: Yes. The weather routes pretty
21 much coincide between both ships.

22 MR. KUCHARSKI: Okay. Were you on either of
23 the ships in any capacity where you had to weather
24 route?

25 MR. TORRES: Yes.

1 MR. KUCHARSKI: Could you elaborate?

2 MR. TORRES: I've been with this company
3 since 2008 and I've been on all three ships. So yes,
4 there have been instances where we've had to divert and
5 alter course for weather.

6 MR. KUCHARSKI: Okay. Let me specific then.
7 Did you use the Yucatan Channel in any of those weather
8 routes?

9 MR. TORRES: The Yucatan Channel? No.

10 MR. KUCHARSKI: Okay. Did you use either
11 the Mona Pass or the Windward Pass?

12 MR. TORRES: No, not the Windward Pass.

13 MR. KUCHARSKI: Okay. How about Mona?

14 MR. TORRES: No, not the Mona either.

15 MR. KUCHARSKI: Okay. How about New
16 Providence Channel?

17 MR. TORRES: Yes, on numerous occasions we
18 took the Northwest Providence Channel.

19 MR. KUCHARSKI: Okay. Then after -- was
20 that northbound or southbound?

21 MR. TORRES: Could be both.

22 MR. KUCHARSKI: Okay, let's concentrate on
23 southbound. Did you -- after using New Providence at
24 the southern terminus where did you go after that?

25 MR. TORRES: Typically if we were to take

1 the Northwest Providence Channel we would hug the coast
2 leaving Jacksonville, alter course to port, come across
3 Northwest Providence Channel, head southeast after
4 that.

5 MR. KUCHARSKI: Okay. Did you go outboard
6 of the islands or inside?

7 MR. TORRES: Outboard.

8 MR. KUCHARSKI: Who was the CSO, chief
9 security officer, on the El Faro?

10 MR. TORRES: The chief security officer, the
11 vessel security officer, the SSO you mean?

12 MR. KUCHARSKI: Yes.

13 MR. TORRES: The second mate.

14 MR. KUCHARSKI: Who was the GMDSS officer on
15 the El Faro?

16 MR. TORRES: The second mate was the
17 primary.

18 MR. KUCHARSKI: Okay. Do you know if a
19 GMDSS log was kept up?

20 MR. TORRES: That is correct, yes, it was.

21 MR. KUCHARSKI: Those are sort of general
22 questions. Carrie, I'll stop there if anybody wants to
23 ask a follow-on there before we get into the detailed
24 weather questions.

25 MS. BELL: I have a quick question. You

1 mentioned that you've been with the company since 2008.
2 I think earlier you said 2005.

3 MR. TORRES: With the Sea Star Line I've
4 been with 2008. With the company in general, with
5 InterOcean then TOTE, 2005.

6 MS. BELL: Okay, thank you. Questions
7 around the room? Keith?

8 MR. FAWCETT: Keith Fawcett. Captain
9 Kucharski asked about bridge resource management.

10 How much time at sea did Captain Axelsson
11 spend on the bridge?

12 MR. TORRES: On a daily basis? Numerous
13 times visiting and coming up to the bridge. I can't
14 speak as far as minutes or hours. I can tell you that
15 he was constantly up on the bridge. He would come up,
16 go down to the deck. He was up there.

17 MR. FAWCETT: And what did he do when he was
18 up on the bridge?

19 MR. TORRES: Grab a coffee, supervise, check
20 our speed, our ETA. Check the weather.

21 MR. FAWCETT: Did he ever relieve for meals,
22 or breaks, or for you to go below, or something like
23 that?

24 MR. TORRES: Captain Axelsson, no.

25 MR. FAWCETT: How about Captain Davidson?

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1 How frequently did he come up on the bridge at sea?

2 MR. TORRES: Frequently also. He was up
3 there quite a bit. No different than Captain Axelsson.

4 MR. FAWCETT: Did Captain Davidson ever
5 relieve you to go below?

6 MR. TORRES: Yes, he would sometimes.

7 MR. FAWCETT: Thank you.

8 MR. TORRES: Sure.

9 MS. BELL: No other questions, Mike, on this
10 end. So if you want to continue.

11 MR. KUCHARSKI: Okay. Here we go. Jaime,
12 these center pretty much on weather-related type
13 questions. I think Mike Richards may have some
14 piggybacks on these. He did a lot of the heavy lifting
15 on putting them together.

16 So to start off with, Jaime, did you have
17 any weather-related responsibilities while you were on
18 bridge watch on the El Faro?

19 MR. TORRES: No, nothing in particular. On
20 my own I would monitor the weather every time I was on
21 watch.

22 MR. KUCHARSKI: Okay. So you didn't send
23 any weather in while you were on watch?

24 MR. TORRES: No. Typically the second and
25 the third mate would send the weather in.

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1 MR. KUCHARSKI: Okay.

2 MR. TORRES: As far as responsibilities go
3 we would log on a four-hour basis the barometer, the
4 temperature, and the sea state, and the wind state.

5 And then if the wind got over force 5 we
6 would log it every hour. But as far as sending in the
7 weather goes, the second and third mate would handle
8 that.

9 MR. KUCHARSKI: Okay. How about receipt of
10 weather? Did you receive any weather while on watch?

11 MR. TORRES: Yes. We would monitor the
12 emails on the computer for when the BVS, BonVoyage
13 Service message came in. And we would then access it
14 and look at the weather on the service.

15 Also, on a six-hour basis we would get the
16 sat, sea and hands group calling message where it was a
17 text version of the weather. And you could compare
18 that to BVS.

19 MR. KUCHARSKI: Okay. And how about Navtex?
20 Did you download any Navtex?

21 MR. TORRES: Yes, Navtex would also come in
22 on a regular basis.

23 MR. KUCHARSKI: Okay. And while you were on
24 watch did you peel those off the Navtex receiver and
25 put them on the bridge, on the chart table somewhere or

1 anything? Or was that the second mate's
2 responsibility? Whose responsibility was that?

3 MR. TORRES: Whenever the message came in
4 you would rip it off the machine. If it was something
5 pertinent then yes, we would stick it on the chart
6 table for everybody to review it.

7 MR. KUCHARSKI: Okay. And how about weather
8 facsimile machine. Did you have one on there?

9 MR. TORRES: No, I don't believe we have
10 weather fax on the El Faro.

11 MR. KUCHARSKI: Okay. Great. Great. You
12 mentioned a barometer. So the vessel had a barometer,
13 is that correct?

14 MR. TORRES: Yes, I believe we had a digital
15 one.

16 MR. KUCHARSKI: A digital barometer. Okay.
17 And was there any barograph on the El Faro?

18 MR. TORRES: No, I don't believe there was.

19 MR. KUCHARSKI: Okay. Wind vane. Did it
20 have a wind vane?

21 MR. TORRES: We had an anemometer, yes.

22 MR. KUCHARSKI: Okay. Anemometer measures
23 speed. Did it have cups, or was it a propeller-driven?
24 What was the anemometer like?

25 MR. TORRES: It had -- it was mounted up on

1 the flying bridge and it had a propeller to measure the
2 speed. And it also had the whirly bird to give you the
3 apparent wind direction, apparent wind direction,
4 apparent wind speed.

5 MR. KUCHARSKI: Okay, great. While you were
6 on there did you -- were there any repairs made to
7 that?

8 MR. TORRES: Actually, yes. When we took
9 the ship out of the shipyard there were two anemometers
10 on there. We made repairs for them so that one would
11 operate.

12 MR. KUCHARSKI: Okay. After shipyard while
13 you were on that vessel were there any follow-up
14 repairs made to the anemometer?

15 MR. TORRES: No.

16 MR. KUCHARSKI: So you never had any
17 problems with the anemometer after it came out of
18 shipyard?

19 MR. TORRES: No, not that I can recall. No.

20 MR. KUCHARSKI: Okay. Did you ever have a
21 port meteo officer from NOAA visit the ship?

22 MR. TORRES: If I recall correctly Rob
23 Niemeyer from NOAA would frequent the vessel whenever
24 the barometer needed calibration. And he would handle
25 that.

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1 And also looking at the AMVER and the
2 weather system.

3 MR. KUCHARSKI: And the AMVER weather system
4 was separate and apart from the GMDSS or Sat-C or the
5 Inmarsat system?

6 MR. TORRES: That's correct. The AMVER
7 message had software on the laptop, on the computer
8 where we could -- the second and the third mate would
9 go on there, onto the software to send the weather.

10 MR. KUCHARSKI: Okay. And you mentioned the
11 meteo officer, Rob Niemeyer or whatever his name was
12 from NOAA, he would visit and calibrate the barometer.
13 Who actually owned the barometer?

14 MR. TORRES: NOAA did.

15 MR. KUCHARSKI: Okay. How about the wind
16 vane and anemometer combination?

17 MR. TORRES: That was the ship's property.

18 MR. KUCHARSKI: Ship's property. Okay, was
19 there any other NOAA-related weather equipment onboard
20 that ship besides the -- yes, NOAA-related.

21 MR. TORRES: No, not that I can recall aside
22 from the barometer and the updating of the AMVER system
23 on the computer.

24 MR. KUCHARSKI: Okay. In Mr. Morell's
25 testimony, I know you weren't there for his interview,

1 he stated, and I quote, "We subscribed to two
2 electronic weather services so the master has plenty of
3 input."

4 Can you tell us what two service
5 subscriptions were provided to the El Faro?

6 MR. TORRES: Aside from the Sat-C and that
7 enhanced group calling that we get through the GMDSS
8 where you get the weather in text every six hours and
9 BonVoyage, those are the only two systems that I'm
10 aware of.

11 MR. KUCHARSKI: Okay. And the Sat-C was a
12 separate subscription, was it?

13 MR. TORRES: I don't know if it was a
14 subscription or not, but I can tell you it was a
15 separate system from the BonVoyage service.

16 MR. KUCHARSKI: Okay. Can you tell me if
17 there have been any changes made to weather
18 subscriptions since the El Faro incident?

19 MR. TORRES: Not that I'm aware of.

20 MR. KUCHARSKI: Have any changes been made
21 to ship weather gathering information since the El
22 Faro?

23 MR. TORRES: No, I can't specifically recall
24 any changes, if any took place.

25 MR. KUCHARSKI: And how about ship

1 operations in general, whether deck or engine? Are you
2 aware of any changes that were made?

3 MR. TORRES: Operations as far as what?

4 MR. KUCHARSKI: General operating
5 procedures, deck department or engine department since
6 the El Faro incident, any changes that have been made.

7 MR. TORRES: The only operational procedure
8 that I can recall is maybe checking reefers and
9 temperatures. But I can't -- there's nothing that
10 comes to mind as far as operational procedures that may
11 have changed on my time on the El Faro.

12 MR. KUCHARSKI: Okay. And just one last
13 question before I hand over. I still have some more
14 weather conditions.

15 But as chief mate were you aware of any
16 button testing or D-ring testing programs?

17 MR. TORRES: I'm sorry, say again? What
18 testing programs?

19 MR. KUCHARSKI: Button or D-rings.

20 MR. TORRES: No, no. I'm not aware of any
21 button or D-ring testing programs.

22 MR. KUCHARSKI: Okay. I'll stop there.
23 Sorry, Carrie, I got a little bit off topic, but let me
24 hold to see if you want to ask any questions to follow
25 on.

1 MS. BELL: Thanks, Mike. I have a couple of
2 questions. So, we were talking earlier about the
3 settings for BonVoyage. Do you know who sets up the
4 system shoreside for the system? I mean, are you
5 required to do any kind of training, and if so, who
6 would that be with?

7 MR. TORRES: No, I'm not required to do any
8 training and I don't know who sets it up shoreside.

9 MS. BELL: So if you have questions about
10 the system who would you ask?

11 MR. TORRES: There's a manual onboard that
12 we would look through.

13 MS. BELL: Is there anyone that you would
14 ask just a specific troubleshooting question?

15 MR. TORRES: No, it's pretty much
16 straightforward. I never had any issues with it.

17 MS. BELL: Okay. And in terms of just
18 redundant sources for weather do you have onboard
19 broadband internet access continuously? Do you always
20 have internet access?

21 MR. TORRES: We don't have internet access
22 at all.

23 MR. KUCHARSKI: Not at all.

24 MR. TORRES: No.

25 MR. KUCHARSKI: You have access to email but

1 that comes in sporadically?

2 MR. TORRES: Let me take that back. At sea
3 we don't have access to internet. In port if the
4 connection's working we have internet. And that's
5 basically that.

6 MS. BELL: Okay. That's all I have. I'll
7 go around the room.

8 MR. STETTLER: Relating to anything weather-
9 wise? Okay, great. Jaime, Jeff Stettler from the
10 Coast Guard. I've got basically two related questions.

11 Between the second deck and the main deck
12 there are a series of -- on both sides a series of
13 louvered vents that go to fire dampers, to the cargo
14 holds, intake and exhaust, lyfans (phonetic) *8:10:38
15 and the like.

16 There's a whole bunch of them. And they
17 have dampers associated with them.

18 Do you know what the standard -- I would
19 assume they're normally open in port. Does that -- the
20 position of those dampers change, or do the mates ever
21 do anything with those dampers underway? Is there a
22 requirement to do anything with them in heavy weather
23 of any type?

24 MR. TORRES: Can you break up the questions?

25 MR. STETTLER: Sure. So, the dampers for

1 all of those vents. What is the normal position of
2 those dampers underway?

3 MR. TORRES: Open.

4 MR. STETTLER: Are there any requirements,
5 any weather-related criteria where those dampers would
6 be closed that you're aware of?

7 MR. TORRES: No.

8 MR. STETTLER: Have you closed them in the
9 past or been aboard when those have been closed for
10 heavy weather or any other reason?

11 MR. TORRES: For heavy weather? No. On my
12 time on the El Faro let me say, no. The dampers were
13 not closed for heavy weather.

14 As far as the operation of the dampers, yes,
15 they're inspected on a monthly basis and swung and
16 operated back and forth.

17 MR. STETTLER: Very good. Thank you. Is
18 there any -- if you're aware are there any procedures
19 or standing orders associated with those dampers?

20 MR. TORRES: As far as what?

21 MR. STETTLER: As far as weather, when they
22 would be closed.

23 MR. TORRES: No, not that I'm aware of.

24 MR. STETTLER: Okay. And there's also a
25 series of scuttles going down to the cargo holds that

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1 are often opened in port. Are there any policies or
2 procedures related to securing those scuttles while
3 underway?

4 MR. TORRES: Yes. Prior to getting underway
5 and cargo operations being finished within that space
6 the scuttles are secured to maintain watertight
7 integrity.

8 MR. STETTLER: That's good for me. Thank
9 you.

10 MS. BELL: Questions?

11 MR. GRUBER: Just to follow up on that,
12 they're secured prior to departure and cargo
13 operations. Are they ever opened while at sea?

14 MR. TORRES: Yes.

15 MR. GRUBER: And who would then verify that
16 they're closed after use?

17 MR. TORRES: The bosun or myself would go
18 around about the deck at the end of the day and make
19 sure that whatever was open for whatever reason is
20 closed.

21 MR. GRUBER: Do you recall any instances
22 where you found scuttles open that had to be closed?

23 MR. TORRES: No, nothing comes to mind.
24 Nothing in particular.

25 MR. GRUBER: Okay. And just going back to

1 the fire dampers, to your recollection have you heard
2 of any times on either vessel where the dampers were
3 used and closed due to heavy weather?

4 MR. TORRES: After the -- on my time on the
5 El Yunque this last trip I personally went around and
6 made sure that some of the dampers were closed just in
7 case.

8 Other than that, no.

9 MR. GRUBER: Thank you.

10 MS. FINSTERBUSCH: No questions.

11 MR. RICHARDS: Just a couple of questions.
12 Mike Richards.

13 Specifically with regard to the Sat-C
14 capabilities what specific weather information did you
15 receive via Sat-C?

16 MR. TORRES: Via the Sat-C depending on what
17 area you're transiting in you get specific weather
18 information for travel, storms or hurricanes.

19 And it breaks down what the sea state, what
20 the wind state is. It gives you a prediction on a 24-,
21 48-hour, 72-hour basis.

22 It also gives you, as I said, max wind. And
23 in addition to that it will give you a radius of the
24 winds. For example, on a 34-knot wind it will give you
25 a radius depending on the quadrant of how far the winds

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1 extend. That sort of information.

2 MR. RICHARDS: Do you know if these, if the
3 information you're talking about now was generated by
4 the National Hurricane Center?

5 MR. TORRES: That's correct, yes. It's
6 generated by the National Hurricane Center.

7 MR. RICHARDS: With regard to NavTex, the
8 same question. What specific weather information was
9 delivered via NavTex?

10 MR. TORRES: NavTex gives you more wind and
11 seas information. To my recollection it doesn't
12 specify as far as storms and hurricanes. It goes
13 mostly into seas and wind.

14 MR. RICHARDS: Were any of the products --
15 and you'll have to forgive me. I'm not intimately
16 familiar with both of these capabilities, but were any
17 of the products delivered via Sat-C or NavTex graphable
18 by text?

19 MR. TORRES: No, they were not. They were
20 text.

21 MR. RICHARDS: One clarification. You
22 indicated that while at sea there's no continuous --
23 there's no internet access. How did you receive the
24 emails from the weather vendor that would provide the
25 updates for BonVoyage?

1 MR. TORRES: Via the ship satellite system.

2 MR. RICHARDS: Did the ship satellite system
3 allow someone on the ship to surf the internet? And
4 what I'm getting at is was there the capability for
5 someone to get weather information off the internet via
6 the satellite system that you're talking about?

7 MR. TORRES: No, not at all.

8 MR. RICHARDS: Did you ever sail -- used the
9 BonVoyage system at a time when there were tropical
10 cyclone tracks or hurricane tracks that were presented
11 graphically on the BonVoyage system?

12 MR. TORRES: Yes.

13 MR. RICHARDS: Was there ever a comparison
14 made between the tracks that were presented by the
15 BonVoyage and the position information that was
16 provided via products from the National Hurricane
17 Center through Sat-C or NavTex?

18 MR. TORRES: Yes.

19 MR. RICHARDS: And how were those
20 comparisons?

21 MR. TORRES: They would be spot on.

22 MR. RICHARDS: The same?

23 MR. TORRES: Yes.

24 MR. RICHARDS: And you said you received
25 emails every six hours for updates to BonVoyage.

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1 MR. TORRES: Correct.

2 MR. RICHARDS: And was there any type of
3 oral alert, or any type of advisory to someone on the
4 bridge when a new email would come in?

5 MR. TORRES: Orally, no. The email system
6 would basically give you a noise, or it would beep as a
7 phone would when you got a text that an email came in.

8 MR. RICHARDS: That's it for me right now,
9 Carrie.

10 MS. BELL: Carrie Bell, NTSB. I have a
11 quick follow-on from Mike's question about the
12 comparison of the BonVoyage and the products of the
13 Sat-C. How often did you make those comparisons?

14 MR. TORRES: I can't say that it was every
15 time that we made the comparisons. But it was frequent
16 enough that we knew that the products would match.

17 MS. BELL: Were they ever off?

18 MR. TORRES: Not that I can recall, no.

19 MS. BELL: Okay. Thank you. We'll continue
20 going around.

21 MR. FAWCETT: Keith Fawcett with the Coast
22 Guard. When you looked down at those text-based
23 messages that come off the NavTex or the Sat-C and it
24 says significant seas related to the height in feet,
25 what does that mean to you? In other words, what's the

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1 definition of a weather report where they describe
2 significant seas?

3 MR. TORRES: I don't understand the
4 question.

5 MR. FAWCETT: In other words, if the NavTex
6 said the significant seas were 12 to 16 feet what would
7 that mean to you in terms of how you're going to
8 navigate the ship and the weather you're going to
9 encounter?

10 MR. TORRES: What would that mean to me.
11 Depending on -- if you're saying from 12 to 16 feet it
12 would be a concern.

13 MR. FAWCETT: Okay. Would the seas that you
14 encounter be 12 to 16 feet?

15 MR. TORRES: When?

16 MR. FAWCETT: In other words, when there's a
17 forecast that says that the significant seas are going
18 to be 12 to 16 feet would you expect that the seas that
19 you encounter are going to be anywhere in a range from
20 12 to 16 feet?

21 MR. TORRES: Yes.

22 MR. FAWCETT: Okay. Just to follow up on
23 the air damper question, when you made your rounds of
24 the ship which is part of your duty, is that correct?

25 MR. TORRES: Yes.

1 MR. FAWCETT: While the ship was at sea, did
2 you see any water intrusion that came in through the
3 dampers?

4 MR. TORRES: No.

5 MR. FAWCETT: And then you said that in the
6 El Yunque recently you made a voyage and you checked
7 some of the dampers, correct?

8 MR. TORRES: Correct.

9 MR. FAWCETT: What dampers?

10 MR. TORRES: On the stern on the second deck
11 there is two sets of dampers, port and starboard, that
12 go into the five hold. I checked those.

13 MR. FAWCETT: And the five hold is the
14 aftermost hold on the ship?

15 MR. TORRES: That is correct, yes. Aft of
16 the engine room.

17 MR. FAWCETT: Okay. And then during the
18 time that you checked those particular dampers did you
19 have a following sea, a head sea? Do you recall the
20 sea conditions?

21 MR. TORRES: I can't recall specifically
22 what seas we had.

23 MR. FAWCETT: Okay. And so why did you
24 check those dampers?

25 MR. TORRES: A precaution.

1 MR. FAWCETT: But why didn't you check the
2 other dampers?

3 MR. TORRES: Because typically on -- when
4 the ship is heavy with cargo leaving out of
5 Jacksonville that's where I had seen in heavy weather
6 where most of the seas would come in.

7 MR. FAWCETT: Come in where?

8 MR. TORRES: Throughout the stern area.

9 MR. FAWCETT: Okay. So, but you have a
10 watertight deck. In other words, there's a watertight
11 deck and the dampers go down into the decks below the
12 watertight deck.

13 MR. TORRES: Correct.

14 MR. FAWCETT: So, why would you check the
15 five hold?

16 MR. TORRES: I didn't check the five hold.
17 What I'm saying is the dampers were on the second deck.

18 MR. FAWCETT: Correct.

19 MR. TORRES: So we would secure the dampers
20 on the second deck so that if seas came in no water
21 would go into the five hold.

22 MR. FAWCETT: Okay. Was there any history
23 of the water going into the five hold that you're aware
24 of?

25 MR. TORRES: No.

1 MR. FAWCETT: And when you say heavy weather
2 leaving Jacksonville and so forth, did seas board the
3 vessel through the openings in the hull and submerged
4 part of the second deck?

5 MR. TORRES: I wouldn't say submerged part
6 of the second deck, but you did see water on the second
7 deck that would come in through the windows.

8 MR. FAWCETT: Okay. Was it green water
9 meaning, you know, heavy water? Was it just foam and
10 spray? What was it?

11 MR. TORRES: Mostly spray, yes.

12 MR. FAWCETT: Thank you.

13 LCDR [REDACTED]: Quick follow-up. [REDACTED]

14 [REDACTED] with the Coast Guard.

15 On that particular voyage where you did
16 close the fire dampers you said you did it as a
17 precaution. What conditions were you experiencing that
18 caused you to take that precaution?

19 MR. TORRES: The El Faro had just sank and
20 as a precaution I went about the deck and secured the
21 fire dampers.

22 LCDR [REDACTED]: Were you experiencing heavy
23 weather at that particular time?

24 MR. TORRES: We were coming out of
25 Jacksonville after we had found out that the El Faro

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1 had been -- had not made it to San Juan. And the El
2 Yunque was about to leave Jacksonville.

3 LCDR [REDACTED]: So there was still some of
4 the remnants from that particular storm.

5 MR. TORRES: The storm was still in the same
6 area where it was, where the El Faro -- the area the El
7 Faro went down. And as we were about to depart
8 Jacksonville we took precautions just in case.

9 LCDR [REDACTED]: Thank you.

10 MS. BELL: I think Mike still has a few more
11 questions about the BonVoyage, the weather system, and
12 we're going to get into this again. Is that okay?

13 MR. GRUBER: It was just a real quick
14 question.

15 MS. BELL: Okay, go ahead.

16 MR. GRUBER: Tom Gruber. Just a follow-up
17 on Matt's question. Do you recall what the trim of the
18 vessel was when you departed Jacksonville at this time?

19 MR. TORRES: No, I don't.

20 MR. GRUBER: Thank you.

21 MS. BELL: Okay, Mike, go ahead.

22 MR. KUCHARSKI: Okay, thanks. Back to pure
23 weather and bridge type stuff, weather and BonVoyage.

24 Jaime, do you know to what extent the
25 captain or the bridge officers would have relied on the

1 data provided by BonVoyage?

2 MR. TORRES: To what extent the captain and
3 the officers would rely on the data?

4 MR. KUCHARSKI: Yes. I mean, more so than
5 any of the other data that came in like -- well, you
6 said there was no facsimile, but Sat-C or NavTex? Was
7 there more reliance do you think on BonVoyage?

8 MR. TORRES: I would say yes, that there was
9 more reliance on BonVoyage because you have a graphical
10 image you could revert to, and you had the voyage plan
11 you could see and track the ship going across.

12 MR. KUCHARSKI: Great. You mentioned
13 comparisons between, say, Sat-C, the printed weather.
14 Did you notice any material differences between BVS and
15 the Sat-C?

16 MR. TORRES: No, I did not. And also,
17 during heavy weather the officer of the watch when the
18 Sat-C message would come in, if we were going to
19 encounter heavy weather which as I said before never
20 happened on the El Faro the storm or the hurricane
21 would be plotted on a chart and tracked as well.

22 MR. KUCHARSKI: Great, great, that's good
23 information. I won't have to ask that question down
24 the line.

25 But back to I think it was mentioned about

1 an email from Zinn (phonetic) *8:26:40 telling you that
2 you have BVS weather.

3 Then after that email went in did you have
4 access to download that weather?

5 MR. TORRES: After the email came in you
6 would have to click on the attachment for the email and
7 it would open up the BonVoyage service, update itself.
8 And then you could start to track the weather and
9 change the parameters or anything you wanted to do.

10 MR. KUCHARSKI: Okay, I see. So it was a
11 downloaded email that was then put into the program,
12 the BVS program, and then you could manipulate it as
13 you wanted.

14 MR. TORRES: That's correct, yes.

15 MR. KUCHARSKI: Did you also use the
16 electronic capability on BVS to run the ship's track on
17 there, or to see how close you came to a certain area
18 of weather?

19 MR. TORRES: Absolutely, yes.

20 MR. KUCHARSKI: Can you tell us who had
21 access to the subscription settings?

22 MR. TORRES: No, I can't. I don't know who
23 had access.

24 MR. KUCHARSKI: Okay. Were you onboard
25 those ships when they initially put the BVS onboard?

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1 MR. TORRES: I was on vacation when it was
2 installed if I recall correctly.

3 MR. KUCHARSKI: Okay. And you mentioned
4 that there was a book that you could look at to go
5 ahead and change settings, or whatever it may be
6 related to the program itself, is that correct?

7 MR. TORRES: That's correct. There was a
8 manual, yes.

9 MR. KUCHARSKI: Did you ever interface with
10 anybody at BVS?

11 MR. TORRES: Did I ever have any contact
12 with anybody over at the BVS company or software
13 service?

14 MR. KUCHARSKI: Yes, exactly.

15 MR. TORRES: No.

16 MR. KUCHARSKI: The email address that
17 received the data that was from Applied Weather
18 Technologies to BVS, that was
19 captain.wfjk@globeemail.com?

20 MR. TORRES: I don't recall the captain's
21 email off the top of my head. But it sounds to be it.

22 MR. KUCHARSKI: Okay. And you mentioned
23 that the ship's officers made a hand plot of weather,
24 if necessary, and that was done on a chart?

25 MR. TORRES: Correct.

1 MR. KUCHARSKI: What else did you plot on
2 there besides the vessel's position or track?

3 MR. TORRES: You would -- if coming into
4 heavy weather, or if tracking a hurricane or a storm,
5 plot the position, the predicted path and the wind
6 radius.

7 MR. KUCHARSKI: Okay. And the wind radius,
8 did someone adjust the track of the vessel to stay
9 outside of a certain wind radius?

10 MR. TORRES: Depending on the situation. As
11 I said, it never happened on the El Faro, but if need
12 be, yes, the track would be adjusted to avoid weather.

13 MR. KUCHARSKI: Okay. So it never happened
14 on the El Faro. What are you particularly talking
15 about then? What ships?

16 MR. TORRES: On the El Yunque. I mean, my
17 experience on the El Yunque, yes, we would alter course
18 for weather.

19 MR. KUCHARSKI: Okay. Are you aware of
20 anything that was done similar to that on the El Faro?

21 MR. TORRES: No. As I said before on my
22 time on the El Faro I never encountered weather that I
23 can recall where we needed to change course or alter
24 the route.

25 MR. KUCHARSKI: Okay. Did you ever look at

1 the National Hurricane Center site while you were on El
2 Faro or El Yunque?

3 MR. TORRES: On my own, yes. My personal
4 phone or computer, or sometimes in port using the
5 computer in my office where I did have internet, where
6 we had a good signal that day, yes.

7 MR. KUCHARSKI: Okay. How about -- who had
8 internet access on the ship when it was at sea?

9 MR. TORRES: Internet access at sea?
10 Nobody.

11 MR. KUCHARSKI: Nobody. So the ship had no
12 internet access whatsoever when it was at sea.

13 MR. TORRES: Correct.

14 MR. KUCHARSKI: Were there any connectivity
15 limitations to any of the specific modes of
16 communications? Connectivity, you know, tough to
17 receive signals, tough to send things out, you know,
18 that you can address either by the email system, or the
19 NavTex, or Sat-C, or anything like that? Were there
20 any problems that you encountered?

21 MR. TORRES: I don't understand your
22 question, Mike.

23 MR. KUCHARSKI: Okay, Jaime. What I'm
24 specifically -- like on certain courses, or certain --
25 the way the ship's -- the motion goes to the ship,

1 sometimes a satellite will lose synch, or shadow areas
2 on the stack area there depending on where the domes
3 are located, or maybe it rained, or maybe
4 thunderstorms. Were there any conductivity problems
5 receiving or sending out signals?

6 MR. TORRES: No, not that I can recall.

7 MR. KUCHARSKI: Okay. That runs across all
8 of the NavTex and your emails and GMDSS and all that.

9 MR. TORRES: I don't recall any specific
10 issues with any of the pieces of equipment as far as
11 communications on the El Faro, no.

12 MR. KUCHARSKI: Okay. Thank you, that's all
13 I have for now.

14 MS. BELL: I have a follow-up. This is
15 Carrie Bell, NTSB. Regarding the BVS system.

16 You said it was installed when you were on
17 vacation if you recall correctly.

18 MR. TORRES: Correct. From my time on the
19 El Yunque I remember coming back one trip and the
20 service was installed, yes.

21 MS. BELL: Were you already familiar with
22 that service? Had you ever used it before?

23 MR. TORRES: No, not the BonVoyage service
24 in particular.

25 MS. BELL: Did you have to review the manual

1 in order to be able to use it?

2 MR. TORRES: Yes.

3 MS. BELL: Did you review the entire manual,
4 or just use it for trouble-shooting?

5 MR. TORRES: Trouble-shooting. Like I said
6 before it was pretty much a pretty straightforward
7 system.

8 MS. BELL: Okay.

9 MR. TORRES: If there were any questions
10 that I had I could ask the captain who had been more
11 familiar with it in the time that he was onboard or
12 review the manual, yes.

13 MS. BELL: Okay. And I just have another
14 follow-on question regarding something that came up
15 earlier. You were saying that you were onboard El
16 Yunque the trip after the El Faro accident.

17 MR. TORRES: Yes.

18 MS. BELL: And the weather was still in the
19 area.

20 MR. TORRES: The Hurricane Joaquin was still
21 east of the Bahamas.

22 MS. BELL: Okay. And was there any
23 discussion about postponing that trip based on the
24 weather? Or the events that had just occurred.

25 MR. TORRES: There was no discussion about

1 postponing the trip. There was discussion about
2 altering the route.

3 MS. BELL: There was discussion about
4 altering the route.

5 MR. TORRES: Yes.

6 MS. BELL: And what kind of discussions were
7 had about that?

8 MR. TORRES: The captain and myself sat down
9 and discussed what would be the best alternate route to
10 take to avoid the weather.

11 MS. BELL: And were there any company people
12 involved in that discussion, or was it just you and the
13 captain?

14 MR. TORRES: I can't speak of whether the
15 captain had a discussion with the company or not. I
16 can say that between him and I is just the discussion
17 we had.

18 MS. BELL: Did you alter the route?

19 MR. TORRES: Yes, we did.

20 MS. BELL: And which way did you go?

21 MR. TORRES: We headed south hugging the
22 coast of Florida, and then we altered course and
23 transited through the Northwest Providence Channel.

24 MS. BELL: Were there other options that you
25 were considering?

1 MR. TORRES: Yes.

2 MS. BELL: Can you describe what those were?

3 MR. TORRES: The other option was to go
4 through the Old Bahama Channel.

5 MR. TORRES: And why did you decide to go
6 one route instead of the other?

7 MR. TORRES: We decided to go through
8 Northwest Providence Channel because we anticipated
9 that the weather would clear by the time we came east
10 of there.

11 And since nobody -- well, first of all, it
12 saves on time and distance. The Northwest Providence
13 Channel distance is shorter than going through the Old
14 Bahama Channel.

15 The other reason was nobody had gotten to
16 the last position of the El Faro. So, if weather was
17 clear enough us on the El Yunque or the captain wanted
18 to make the attempt to try to reach the last position
19 of the El Faro.

20 MS. BELL: Physically reach it? What do you
21 mean?

22 MR. TORRES: Get the ship there.

23 MS. BELL: Okay. I'm not sure I understand
24 what you're saying.

25 MR. TORRES: Okay. Well, the El Faro had

1 been suspected to have gone down. No other salvage
2 ships had reached the area. The Coast Guard hadn't
3 reached the area. So, when we transited through
4 Northwest Providence Channel we actually communicated
5 with a tug that was en route to the last position of
6 the El Faro and we passed them so we knew we were the
7 first ones to reach the site. So if the weather was
8 clear enough we wanted to try to see if we could reach
9 the area and confirm whether the El Faro was there or
10 not and if we saw debris in the area.

11 MS. BELL: Okay. Was that a conversation
12 that you had with the company about doing that
13 specifically?

14 MR. TORRES: I didn't.

15 MS. BELL: Do you know if that conversation
16 was had?

17 MR. TORRES: I can't speak of whether or not
18 the captain had the conversation.

19 MS. BELL: Did you have any conversation
20 with the captain about the company knowing you were
21 doing this?

22 MR. TORRES: I'm not aware of any. I had
23 conversations with the captain as far as the weather
24 and the altering of the route.

25 MS. BELL: Okay. Thank you, that's all I

1 have.

2 MR. STETTLER: I actually had one quick
3 follow-up on the scuttles. On the El Yunque there's
4 one scuttle going down to cargo hold 3 on the starboard
5 side. Are you aware of one on the port side on the El
6 Faro?

7 MR. TORRES: On the El Faro going down to
8 cargo hold 3 on the port side, no, there wasn't any
9 scuttle going down to cargo hold 3 on the port side.

10 MR. STETTLER: So there was just the one on
11 the starboard side same as the El Yunque.

12 MR. TORRES: Correct.

13 MR. STETTLER: Thank you.

14 MR. GRUBER: I have a couple of follow-ups.
15 Tom Gruber.

16 When you left Jacksonville for that voyage
17 after the El Faro went down and you closed the dampers
18 to the number 5 hold do you recall what the wave height
19 was, the wave heights that you were seeing?

20 MR. TORRES: We were still in port when I
21 closed the dampers, so.

22 MR. GRUBER: So it was in anticipation of --

23 MR. TORRES: Correct. A precaution.

24 MR. GRUBER: Thank you.

25 MR. RICHARDS: Mike Richards. As I

1 understand it from what you said a few minutes ago
2 sometimes there would be a hand plot of tropical
3 cyclone current position, forecast track and wind
4 radii.

5 What was the source of the coordinates for
6 the current position and forecast track of the center
7 of those cyclones? Was it from BVS, or from another
8 source like Sat-C or NavTex?

9 MR. TORRES: It was from the EGC, Enhanced
10 Group Calling, coming out of the Sat-C, the text that
11 came out of the Sat-C. That would give you the lat and
12 long position, the wind radii and the forecasted 24-
13 hour, 48-, et cetera, et cetera, of the storm or
14 cyclone.

15 MR. RICHARDS: And as you had indicated
16 earlier comparisons with that plot from graphical
17 presentation from BVS, at any time -- and I believe
18 Mike asked this question earlier, but I maybe
19 misunderstood.

20 So just to be clear, did you ever notice
21 inconsistencies between the product that was delivered
22 graphically by BVS and the information you were
23 receiving via Sat-C or NavTex?

24 MR. TORRES: No, we did not.

25 MR. RICHARDS: Okay. Did you ever notice

1 latency in receipt of emails that delivered the BVS
2 file? For example, if you were expecting something at
3 9 zulu did you ever notice it come in a significant
4 amount of time later?

5 MR. TORRES: No, nothing comes to mind. I
6 can't recall any specific instance where it might have
7 come later.

8 MR. RICHARDS: Okay, thank you.

9 LCDR [REDACTED]: [REDACTED] with the Coast
10 Guard. Regarding BVS you would input your own track,
11 expected track. It provided you weather information
12 and it was up to the ship's crew to determine which
13 route to take.

14 Are you aware of additional subscription
15 services, whether part of the general BVS suite or
16 other companies that you could have subscribed to but
17 didn't necessarily?

18 MR. TORRES: Well, I have worked with other
19 software in the past. It's not up to me to decide who
20 we subscribe to.

21 LCDR [REDACTED]: Right.

22 MR. TORRES: So.

23 LCDR D [REDACTED]: What other software have you
24 worked with in the past? That actually gave advice on
25 routes.

1 MR. TORRES: I forget the name. It was on
2 the car carriers. A separate software, not BVS.

3 LCDR [REDACTED]: So it's not -- is it
4 affiliated with BVS, or just an entirely separate
5 suite?

6 MR. TORRES: I don't know if they're
7 affiliated. I know it was a different software.

8 MR. FAWCETT: Well, we're coming up on two
9 hours so if there's a natural breaking point before too
10 long I think we'd like to take a short break.

11 MS. BELL: Okay. I think we've got one more
12 -- no, you don't have anything?

13 MR. KUCHARSKI: Carrie?

14 MS. BELL: Yes?

15 MR. KUCHARSKI: Carrie, one more weather-
16 related question.

17 MS. BELL: Okay.

18 MR. KUCHARSKI: Jaime, you said you weren't
19 onboard when they put the BVS system on the -- brought
20 the BVS system out there. Who was the captain and
21 second mate that were onboard when that happened? Do
22 you recall?

23 MR. TORRES: No. I can't recall who it was
24 specifically. I don't know exactly who it was. It was
25 a few years ago.

1 MR. KUCHARSKI: Okay, thank you.

2 MS. BELL: Okay. I think we're going to
3 take a five-minute break. Hold on one second.

4 MR. RICHARDS: Carrie, let me ask one last
5 question.

6 MS. BELL: Yes, sure.

7 MR. RICHARDS: Just for clarification.

8 MS. BELL: Mike Richards.

9 MR. RICHARDS: Mike Richards. Earlier you
10 had indicated you received emails from BVS every six
11 hours. That's 4 in a 24-hour period. Were there ever
12 any other emails sent from BVS to this account, to that
13 email account that you would use?

14 MR. TORRES: Aside from the --

15 MR. RICHARDS: Aside from the every six
16 hours, four a day.

17 MR. TORRES: No, no, not that I can recall.

18 MR. RICHARDS: Okay, thank you.

19 MS. BELL: Okay. We're going to take five.

20 (Whereupon, the above-entitled matter went
21 off the record at 10:47 a.m. and resumed)

22 MS. BELL: Okay. Hey Mike, did you have
23 other questions related to the weather that you were
24 going to ask about? I wanted to give you more time for
25 that if there was anything else you wanted to follow up

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1 with weather.

2 MR. KUCHARSKI: Not at this juncture, but I
3 think at the end if you open it up, if we have any we
4 can ask him then maybe.

5 MS. BELL: Okay. So, I think we're going to
6 go ahead and go into stability and cargo ops. I don't
7 specifically have any questions there so I'm going to
8 start with Jeff.

9 MR. STETTLER: Good morning, Jaime. Jeff
10 Stettler from the Coast Guard.

11 Jaime, I know that you've been interviewed
12 before and you answered questions regarding vessel
13 loading and stability. So we've read your transcript
14 and we have some follow-on questions that relate.

15 So I apologize in advance if you feel you've
16 answered this before. We're kind of trying to dig and
17 understand some additional aspects.

18 So first, we've talked to Don Matthews and
19 we understand he's kind of a central figure in terms of
20 loading of the vessel and establishing the stability
21 condition of the vessel using CargoMax as kind of the
22 fundamental method of doing that.

23 Could you talk us through just the portion
24 where Don Matthews comes walking down to the ship. We
25 understand he comes down with a hard copy printout of

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1 CargoMax when the vessel gets loaded in Jacksonville
2 specifically and a flash drive.

3 Could you walk us through basically from
4 that point which usually happens I understand an hour
5 or two before the vessel departs through vessel
6 departure basically what you do with Don and to support
7 Don in basically completing that process of the vessel
8 getting underway?

9 MR. TORRES: Okay. Yes, generally an hour
10 before cargo operations is complete Don Matthews would
11 come down with a hard copy of the load plan, row/row,
12 low/low. And he would come with a flash drive updated
13 with the still plan.

14 From there I would go on CargoMax and verify
15 container to container, car to car whatever piece may
16 be and make sure that CargoMax is entered correctly and
17 that the vessel is safe to sail.

18 And then at the end of cargo operations
19 visual drafts would be taken.

20 MR. STETTLER: Okay. Could you describe in
21 detail how those drafts are recorded and who does it,
22 how it's completed?

23 MR. TORRES: Okay. At the end of cargo
24 operations myself and Don Matthews would both go on the
25 dock and visually record the actual drafts, forward,

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1 aft and midships. Starboard we would read visually and
2 the port midships draft would be read by the second
3 mate by looking over the rail.

4 Those drafts were written down and then they
5 were also sent into the office with the departure
6 report.

7 MR. STETTLER: Okay. So they get written
8 onto the departure report?

9 MR. TORRES: That is correct, yes.

10 MR. STETTLER: The port side drafts, so away
11 from the pier, how are those read after dark, for
12 example, when there's no light?

13 MR. TORRES: If for some reason the second
14 mate can't see them after dark the captain would call
15 the bridge -- or the captain from the bridge would ask
16 the pilot to ask the tug boat to approach and light the
17 draft so that the second mate could look over and see
18 them.

19 MR. STETTLER: Okay, thank you. So, drafts
20 then get recorded on the departure report.

21 MR. TORRES: Correct.

22 MR. STETTLER: I also know that on the El
23 Faro they would write them on the CMS printout. I've
24 seen them. They're not always written in the exact
25 same way, but I've seen them written on the CMS

1 printout.

2 MR. TORRES: Right.

3 MR. STETTLER: Could you discuss the process
4 for determining the density of the water at departure
5 time? Specifically what you do, or if you delegate
6 that to someone else what is done.

7 MR. TORRES: Sure. We have a hygrometer we
8 would stow somewhere on the deck. And towards the end
9 of cargo operations I would physically go down with a
10 5-gallon bucket, dip it in the water, pick it back up
11 with the line, put the hygrometer in, measure the
12 density of the water and report it to the bridge.

13 MR. STETTLER: Okay. So the hygrometer
14 gives you the specific gravity of the water?

15 MR. TORRES: Correct.

16 MR. STETTLER: So it's not a salinity. You
17 don't measure salinity and then convert that.

18 MR. TORRES: Well, the specific gravity
19 gives you -- the hygrometer would give you the 1.0 to
20 1.025 salinity of the water. And that would give you,
21 you know, what the density of the water was.

22 MR. STETTLER: Okay. All right, thank you.
23 Other than the departure report is there any other
24 permanent record of the draft readings that are kept
25 onboard the vessel?

1 MR. TORRES: That's also written in the deck
2 log on the daily page. And as you said, yes, a
3 printout is done by me once cargo operations and the
4 CargoMax is verified and given to the captain for his
5 review.

6 MR. STETTLER: And I've seen signatures on
7 those.

8 MR. TORRES: Correct. Both the captain and
9 myself sign it.

10 MR. STETTLER: Okay. And was that also done
11 with Captain Davidson typically and Axelsson?

12 MR. TORRES: Yes.

13 MR. STETTLER: Done the same way?

14 MR. TORRES: Yes.

15 MR. STETTLER: Okay, very good. In that
16 process of doing that, going through that process with
17 Don Matthews, were there any notable differences -- did
18 you work at all with Rod Rodriguez? Did he fill in at
19 all for Don Matthews while you were onboard to do that
20 process? And were there any differences noted in terms
21 of how they do that final loading?

22 MR. TORRES: No, no. Both -- as far as that
23 goes both Ronald and Don would -- the same at the end
24 of the day. Would both go get the drafts. And the
25 same way he'd handle with the load plan. No changes

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1 between them as far as that.

2 MR. STETTLER: Okay. Do you ever observe or
3 log the transom drafts (phonetic) *7:02:11 for any
4 reason?

5 MR. TORRES: You're talking about the
6 transom drafts?

7 MR. STETTLER: Right. Yes.

8 MR. TORRES: When the El Faro was over 30
9 feet of aft draft you would have to take the counter
10 drafts because the after draft did not go over 30 feet
11 on the transom.

12 MR. STETTLER: Okay. Very good, thank you.
13 Do you have any specific questions about the draft and
14 the salinity?

15 MR. GRUBER: Yes. Tom Gruber, ABS. Did you
16 notice any differences between the drafts given in the
17 CMS program versus the drafts taken by you and Don on
18 the side of the ships?

19 MR. TORRES: Yes.

20 MR. GRUBER: What range of differences did
21 you see?

22 MR. TORRES: It could go from inches to
23 possibly a foot max. And it could go either way. The
24 actuals could be deeper, or the calculated could be
25 deeper. Or one could be deeper than the other. It

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1 would fluctuate. It wasn't always the same.

2 MR. GRUBER: When they were different what
3 actions were taken to rectify the situation?

4 MR. TORRES: We would compare the midships
5 draft to our max loading table to make sure that we
6 didn't exceed the tonnage for that particular specific
7 gravity.

8 MR. GRUBER: Okay. So, you looked at the
9 maximum draft. Was there any thought that the trim
10 might have an effect on stability at that point?

11 MR. TORRES: We didn't think that it was an
12 issue considering that we did not exceed our maximum
13 midships draft.

14 MR. GRUBER: That's all on draft.

15 MR. STETTLER: CargoMax-related. Have you
16 done in your capacity as chief mate any regular, you
17 know, annual or whatever comparisons, test cases as
18 they're sometimes referred to with CargoMax?

19 MR. TORRES: Yes --

20 MR. STETTLER: Comparing the accuracy of
21 CargoMax versus observed conditions?

22 MR. TORRES: After we took the El Faro out
23 and we had an external audit from ABS, ABS actually
24 brought up that they wanted to see the comparison
25 between the test cases.

1 And I personally actually compared the test
2 cases with CargoMax. And everything was spot on. And
3 it was documented on the vessel and signed by me.

4 MR. STETTLER: Do you know approximately
5 when that occurred?

6 MR. TORRES: We took the ship out May 2014.
7 I can't recall when ABS was onboard after that.

8 MR. STETTLER: Okay. So I just want to
9 understand. So to the test case conditions they were
10 right on, but in typical cargo loading operations when
11 you depart Jacksonville they're not? There's
12 differences?

13 MR. TORRES: It could be Jacksonville or San
14 Juan.

15 MR. STETTLER: Okay.

16 MR. TORRES: But yes, they --

17 MR. STETTLER: Do you have any insight or
18 any thoughts on -- well, speculating just on -- do you
19 have an insight as to why those might -- why there
20 might be differences when it leaves Jacksonville or San
21 Juan, but yet when you do the test cases it's spot on?

22 MR. TORRES: No. I can't. I don't.

23 MR. STETTLER: Okay, thank you. Have you
24 ever received any formal training in CargoMax? Or how
25 were you trained in using CargoMax?

1 MR. TORRES: Yes, there was a stability
2 course I took at the academy where you do go over
3 CargoMax.

4 MR. STETTLER: This is at SUNY Maritime?

5 MR. TORRES: SUNY Maritime. And also, when
6 upgrading to chief mate master you do also take a
7 stability course where you do training with CargoMax.

8 MR. STETTLER: Okay. And who offers that
9 course?

10 MR. TORRES: For my union it was Star
11 Center.

12 MR. STETTLER: Okay. That's associated with
13 TOTE? Is that a TOTE educational facility?

14 MR. TORRES: No, it's not. That's part of
15 the American Maritime Officers Union that I belong to.
16 And they offer the training.

17 MR. STETTLER: Okay. Is this something you
18 did on your own?

19 MR. TORRES: This is something you have to
20 do to upgrade to chief mate.

21 MR. STETTLER: Okay, very good. How long is
22 that course, just out of curiosity?

23 MR. TORRES: I might be wrong, but I believe
24 it's two weeks.

25 MR. STETTLER: Oh, okay. Very good. Okay.

1 And I'd like to ask a couple of questions about trim in
2 a bit, but supplemental documentation.

3 So, I gather just from talking to folks that
4 CargoMax is your primary tool for assessing the
5 stability of the vessel at departure?

6 MR. TORRES: Correct.

7 MR. STETTLER: Do you use other tools? For
8 example, the trim and stability book, or capacity plan,
9 or something along those lines to either supplement to
10 CargoMax, or to assess the deck-loading, for example,
11 on decks with the cargo load?

12 MR. TORRES: No. No, not that I can recall
13 except for CargoMax. No.

14 MR. STETTLER: Do you know whether -- is
15 there a trim and stability book on the El Faro as far
16 as you know? And where would that be located?

17 MR. TORRES: Yes, I have a copy in my -- I
18 had a copy in my office and the captain had a copy as
19 well.

20 MR. STETTLER: The captain had a copy.
21 Okay. Was there one on the bridge?

22 MR. TORRES: No, not that I can recall.

23 MR. STETTLER: Okay. No further questions
24 from me. Thank you.

25 MR. GRUBER: Okay. Tom Gruber. When you

1 ran the CargoMax loading conditions did you notice a
2 difference in the list between the program and the
3 actual vessel?

4 MR. TORRES: Yes.

5 MR. GRUBER: Okay, and which -- did that
6 indicate a certain list on the vessel that was natural
7 to the vessel? And how did you account for that?

8 MR. TORRES: If I recall correctly in San
9 Juan for the vessel to be straight up and down CargoMax
10 presented a 0.8 starboard list.

11 In Jacksonville it would vary. I believe it
12 was a 3 degree list that CargoMax represented in order
13 for the ship to be straight up and down.

14 And Mr. Matthews, Don, he would account for
15 that.

16 MR. GRUBER: Okay. Was that a 3 degree
17 starboard list?

18 MR. TORRES: I can't recall whether it was
19 port or starboard. I just know the number.

20 MR. GRUBER: Were there ever any conditions
21 that you looked at that presented an insufficient GM
22 that you had to correct?

23 MR. TORRES: No, not on my time. No, not at
24 all.

25 MR. GRUBER: Okay. Did you have any -- if

1 that case had come up do you have a recourse to
2 increase the GM?

3 MR. TORRES: It would have been addressed --
4 if it were to happen it would have been addressed
5 before we left the dock.

6 MR. GRUBER: Okay. And the conditions that
7 were developed, did you look at just the departure
8 conditions, or did you look at forecasting the arrival
9 condition to ensure that there was positive GM there as
10 well?

11 MR. TORRES: We would look at the departure
12 and arrival condition with the fuel burnoff to compare,
13 make sure that we were safe to sail.

14 MR. GRUBER: Okay. Going back to what Jeff
15 brought up about the trim and stability booklet and
16 CargoMax, are you aware of any differences between the
17 two documents? As far as vessel loading, vessel
18 limitations, tankage limitations.

19 MR. TORRES: No, nothing comes to mind.

20 MR. GRUBER: Okay. When you're loading the
21 vessel and inputting different loads do you account for
22 different spares and various things that accumulate
23 onboard the vessel that are not part of the light ship
24 or part of the load-out?

25 MR. TORRES: Yes, that's correct. There was

1 an entry for spares.

2 MR. GRUBER: That's all I have for right
3 now. Thank you.

4 LCDR [REDACTED]: [REDACTED] with the Coast
5 Guard. CargoMax has an input for salinity. Did you
6 ever change that on your version onboard?

7 MR. TORRES: Absolutely, yes.

8 LCDR [REDACTED]: Can you describe that? When
9 you would do that? How you would do that and what
10 output it would give you?

11 MR. TORRES: Prior to sailing when looking
12 at CargoMax after entering and comparing everything
13 that Don Matthews gives you on paper as well as with
14 the thumb drive I would then, yes, compare the
15 salinity, whatever it was, with the actual trim and
16 stability summary.

17 LCDR D [REDACTED]: How did that typically affect
18 the difference in draft between CargoMax and the actual
19 readings you took? Did it bring it any closer when you
20 would update the salinity to --

21 MR. TORRES: Yes, it would.

22 LCDR [REDACTED]: Can you maybe estimate to the
23 best of your recollection the difference before
24 changing the salinity versus after? How close it got?

25 MR. TORRES: No, I can't -- I can't recall

1 any specific numerical value as to what the change
2 would have been. I can tell you that it got closer.

3 Of course, you're inputting the ship
4 salinity of the time that you took the drafts. But no,
5 as far as a number, no.

6 LCDR [REDACTED]: Okay. That's helpful, thank
7 you.

8 MR. FAWCETT: Keith Fawcett, Coast Guard.
9 When you were onboard the El Faro was a Maine Maritime
10 Deck Cadet John Ringlein onboard?

11 MR. TORRES: The name rings a bell, yes.

12 MR. FAWCETT: Okay. We interviewed him and
13 he was saying that one time, you know, part of his
14 training is to shadow ships' officers. And he's
15 concerned about deck operations. So, we talked to him
16 about cargo loading and so forth.

17 One of the things he said was about during
18 his mid tour they were loading and they exceeded their
19 list calculations during cargo loading.

20 And we asked him how that was taken care of.
21 You know, what did they do to correct that.

22 And he said they moved a container. Do you
23 remember that incident?

24 MR. TORRES: No. I mean, no, I don't recall
25 that specific incident, no. But yes, at the end of

1 cargo operations there are times when we do have to
2 move containers to address the list of the ship.

3 MR. FAWCETT: So move containers.

4 MR. TORRES: Move containers from port to
5 starboard athwartships so that you get the weight
6 correct so that the ship leans straight up and down.

7 MR. FAWCETT: And so are you doing this like
8 moving dominos, or are you -- you know, a domino being
9 a container.

10 Or are you looking at the weight of the
11 container and saying this is a heavy one, you know,
12 it's got this calculated weight, we'll move that
13 container to correct the list? Or are you just moving
14 boxes?

15 MR. TORRES: Don Matthews who loads the
16 ship, he would know the weight of the container and he
17 would know what container to move and in what area
18 depending on the stow plan, depending on racking
19 stresses, he would know what to move and would address
20 the list.

21 MR. FAWCETT: And just for those that don't
22 know what it is, what are you talking about when you
23 say racking stresses?

24 MR. TORRES: You're talking about the boxes
25 themselves and the stresses that take place with the

1 lashings.

2 MR. FAWCETT: Okay. Another thing that the
3 cadet mentioned was that the characteristics of the
4 ship was that she would turn quicker to port. Does
5 that jive with your experience?

6 MR. TORRES: That is correct, yes.

7 MR. FAWCETT: Why would that be?

8 MR. TORRES: The ship did tend to port. I
9 couldn't explain it, but yes. If you put the rudder --
10 if you were on autopilot and you put the rudder, if you
11 were to go to hand steering and leave the rudder
12 midships she would tend to port.

13 MR. FAWCETT: Is that typical for ships?

14 MR. TORRES: I can't speak of all other
15 ships, but I can say that it did happen on the El Faro.

16 MR. FAWCETT: Did it happen on the El
17 Yunque?

18 MR. TORRES: Yes, it did.

19 MR. FAWCETT: The same pronounced
20 characteristic?

21 MR. TORRES: The same where you would -- if
22 you were on hand steering, leave the rudder midships,
23 tend to go to port, yes.

24 MR. FAWCETT: Okay. Did you observe just
25 from your memory any rate of turn?

1 MR. TORRES: No. Both the El Yunque and the
2 El Faro don't have a rate of turn indicator. So I
3 can't give you a number on that.

4 MR. FAWCETT: So, does the gyro on the El
5 Faro tick when the -- as the compass swings?

6 MR. TORRES: We have a gyro repeater that
7 ticks on the console, yes.

8 MR. FAWCETT: Okay. So, does the rate pick
9 up? In other words, if you didn't attend to that
10 rudder setting would it begin to shift and then you
11 could feel the tick, tick, tick, tick increase as the
12 ship began to swing more to port?

13 MR. TORRES: Yes, depending on the speed.

14 MR. FAWCETT: Okay. And then just kind of a
15 final question.

16 So, you get this 5-gallon bucket and it's
17 got a line on it. And you're getting ready to leave
18 Jacksonville.

19 And you walk out to the deck and you're
20 going to use the contents of the bucket once you
21 retrieve it from the water to measure salinity.

22 So, where are you standing on the deck where
23 you throw the bucket overside?

24 MR. TORRES: I could stand midships or I
25 would be standing on the dock about midships.

1 MR. FAWCETT: Okay. So, in the area where
2 you throw the bucket in the water are there any kind of
3 shipboard, overboard discharges?

4 MR. TORRES: No. The only shipboard
5 discharge that I recall is forward of the gangrail at
6 starboard side. I would be aft of that.

7 MR. FAWCETT: Okay. So you would be aft of
8 the gangway?

9 MR. TORRES: If I were on the dock, yes. If
10 I were on the port side lowering the bucket I'd be on
11 the back of the house portside.

12 MR. FAWCETT: Okay. And that's aft of the
13 overboard discharge?

14 MR. TORRES: The overboard discharge is on
15 the starboard side.

16 MR. FAWCETT: Okay. All right, thanks.

17 MR. TORRES: Sure.

18 MS. BELL: Mike? Jon?

19 MR. FURUKAWA: Nothing from Jon.

20 MR. KUCHARSKI: Hi, this is Mike Kucharski
21 again, Jaime.

22 Just to start off with some of the
23 statements you made. When Don Matthews or Juan
24 Rodriguez handed you the flash drive about an hour
25 before the vessel sailed I believe you stated that you

1 had an updated stow plan, is that correct?

2 MR. TORRES: Correct. Yes. A final stow
3 plan.

4 MR. KUCHARSKI: The final stow plan. Were
5 you also given the electronic file from CargoMax to
6 upload into your computer?

7 MR. TORRES: That's correct, yes. That's
8 what was on the thumb drive.

9 MR. KUCHARSKI: Okay, great. Great. Thank
10 you.

11 Back to your statements about the drafts.
12 And I think Jeff Stettler had mentioned about, you
13 know, when it's dark out you mentioned about a tugboat
14 coming, or the pilot boat coming up to the side midship
15 there and shining their light on the draft marks, is
16 that correct?

17 MR. TORRES: That's correct.

18 MR. KUCHARSKI: Where did the person read
19 the drafts from on the ship?

20 MR. TORRES: Midships, directly over the
21 midships mark on the port side.

22 MR. KUCHARSKI: Okay, so they stood up on
23 the second deck there and looked down? Is that what
24 they did?

25 MR. TORRES: The second mate -- the easiest

1 way to look at it is to stand on the main deck
2 portside, stand on the rail, on the bottom rung of the
3 rail and then looking over you can see it.

4 MR. KUCHARSKI: From the main deck.

5 MR. TORRES: Correct.

6 MR. KUCHARSKI: Okay. Shifting gears a
7 little bit, is there a difference between the cargo
8 hold ventilation fan dampers and the fire dampers?

9 MR. TORRES: Is there a difference in what,
10 Mike?

11 MR. KUCHARSKI: The actual damper itself.
12 Are you utilizing a fire damper for ventilating the
13 holds? Or do the cargo fans have a separate damper to
14 the ventilation system?

15 MR. TORRES: The fire dampers were used --
16 the fire dampers were always open. The fire dampers
17 were only used, which luckily we never had an incident
18 of a fire. That's the only reason we would have ever
19 used the dampers. Aside from the precaution I
20 mentioned earlier.

21 MR. KUCHARSKI: Okay. Now, back to the
22 cargo fans themselves, the ductwork of cargo fans. Do
23 they have dampers on them?

24 MR. TORRES: No, not that I'm aware of.

25 MR. KUCHARSKI: So, there was no way to

1 close that cargo fan ductwork off?

2 MR. TORRES: As far as the cargo holds go,
3 no.

4 MR. KUCHARSKI: Okay. And the cargo
5 ductwork, the cargo fan ductwork went down to the lower
6 hold, is that correct?

7 MR. TORRES: That's right.

8 MR. KUCHARSKI: Was there any procedure for
9 ventilation of the holds northbound or southbound?

10 MR. TORRES: Was there any procedure of the
11 holds? What do you mean?

12 MR. KUCHARSKI: Ventilating the holds. Did
13 you run the fans northbound and southbound?

14 MR. TORRES: Yes, we did. Typically when
15 heading south because of winds out of the east the port
16 fans, the windward fans would remain off. The
17 starboard fans would run slow.

18 Going north it would be opposite. So with
19 the wind being on the windward side, that being the
20 starboard side, starboard side would be off, port side
21 would be slow.

22 MR. KUCHARSKI: Okay. Great. Great. You
23 mentioned earlier about making closures second deck aft
24 to the ventilation going into number 5 hold, is that
25 correct?

1 MR. TORRES: Correct. Yes.

2 MR. KUCHARSKI: Okay. Is that a dog type
3 arrangement?

4 MR. TORRES: That's right.

5 MR. KUCHARSKI: Is there any other place on
6 the ship besides number 5 hold second deck where you
7 have closures, similar closures?

8 MR. TORRES: Up forward near the collision
9 bulkhead there's two swing dampers on the second deck,
10 way above on the bulkhead where they're basically --
11 they kind of look like hatches. They have dogs on
12 them.

13 Aside from that there are some goosenecks on
14 the main deck as well as on the stern aft that have a
15 hatch dog arrangement.

16 MR. KUCHARSKI: And those goosenecks, are
17 they for ventilation, or are they for tanks?

18 MR. TORRES: They're for ventilation going
19 down to steering gear. There's a line locker down
20 below back there on the stern and that kind of thing.

21 MR. KUCHARSKI: Okay. Great. When you made
22 your rounds after the ship left port did you ever
23 notice the aft of steering, the doghouse there, hatch
24 door open when you made your rounds?

25 MR. TORRES: Yes.

1 MR. KUCHARSKI: Did you notice if the escape
2 hatch on the second deck from the engine room, was that
3 door ever open when you made your rounds?

4 MR. TORRES: Yes.

5 MR. KUCHARSKI: What about the soft hatch
6 that's near that doghouse to the escape hatch on the
7 second deck from the engine room? Was that ever opened
8 at sea?

9 MR. TORRES: If -- it's possible it may have
10 been opened for the engine room doing any specific
11 work, or maybe removing a piece of equipment.

12 But I can't recall a specific instance where
13 it was open.

14 MR. KUCHARSKI: Okay. How about the doors -
15 - there's a flat, I call it a flat intermediary deck
16 between the second deck and the main deck. You come up
17 ladder wells over to the house and aft of the house
18 that go into the engine fiddley. They're in between --
19 I think it's about at the fire control station, the
20 sprinkler station deck. There were doors there,
21 watertight doors that are hand doors that are
22 (inaudible) *7:24:41.

23 When you were out at sea did you ever see
24 those doors open?

25 MR. TORRES: Yes.

1 MR. KUCHARSKI: I'll hold there if there are
2 -- I have more questions on the stability, but I'll
3 hold there if there are any relating to the hatches or
4 anything like that that anybody wants to ask.

5 MS. BELL: This is Carrie Bell, NTSB. I
6 just have a question about the precautions that you
7 were taking that day.

8 Were there any other precautions that you
9 took that day that you didn't necessarily take on a
10 regular trip?

11 MR. TORRES: Which day are you mentioning?

12 MS. BELL: The day that the El Faro was
13 missing and you were leaving on the El Yunque.

14 MR. TORRES: Aside from the five hold
15 dampers which I mentioned, I did close the goosenecks
16 that I just mentioned with Mr. Kucharski there. And I
17 dogged them.

18 I also did an extra round of the scuttles
19 about the deck to make sure that everything was extra
20 tight.

21 MS. BELL: Anything else that you can
22 recall?

23 MR. TORRES: The unlicensed (phonetic) were
24 asked to tie down the soft lines back on the stern in
25 case we got water so that nothing moved around.

1 And if I recall correctly on the bow they
2 did stow some lines off the deck. And that's all I can
3 think of.

4 MS. BELL: Okay. And is there anything that
5 you're doing differently now after the El Faro accident
6 on a regular basis that you were not doing before?

7 MR. TORRES: No.

8 MS. BELL: No procedures that have changed?

9 MR. TORRES: Well, there is one thing that
10 came up. If we were to open up a, for example, a
11 scuttle at sea the bridge would be notified. That's
12 one thing that we're doing.

13 MS. BELL: And how do they notify the
14 bridge?

15 MR. TORRES: Whoever goes into the space
16 would notify the bridge. Or before going into the
17 space say hey, I'm going down in 1 hold or alpha to
18 verify something. I'll call you when I'm up.

19 MS. BELL: Okay. So on both ends, when they
20 come in and then when they go back out they notify you?

21 MR. TORRES: Correct.

22 MS. BELL: Okay. Thank you.

23 MR. STOLZENBERG: Eric Stolzenberg with the
24 naval architect group at NTSB.

25 Mr. Torres, earlier you said that fire

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1 dampers were closed for the several holds at 1, 2, 3,
2 4, 5 and so on on a regular basis.

3 But on the particular voyage that Ms. Bell
4 just mentioned you took it upon yourself and, correct
5 me if I'm wrong, to make some additional closures on
6 the stern to the five.

7 And I think earlier you mentioned it was due
8 to the potential of water ingress due to heavy weather.
9 Is that correct?

10 MR. TORRES: For the stern, yes. We did
11 take precautions. Myself and the chief mate discussed
12 and we thought that it would be prudent for us to
13 secure the dampers on the stern.

14 MR. STOLZENBERG: And what I'm looking for
15 then is that discussion, was that post the El Faro
16 sinking? Is that something you were discussing as a
17 vulnerability of the vessel with regard to down
18 flooding? Past experience?

19 I'm just looking for some insight into how
20 you came to that decision.

21 MR. TORRES: That's something we discussed
22 prior to leaving port, knowing and experiencing going
23 through heavy weather on this type of class of ship.

24 And knowing that, yes, water does spray onto
25 the deck on the second deck. And just, yes, taking a

1 precaution just in case.

2 MR. STOLZENBERG: With regard to the second
3 deck was there a concern forward of the aft five hold
4 regarding, say, one through four, those additional
5 ventilation openings and fire dampers?

6 MR. TORRES: No, there wasn't a concern --
7 there wasn't a concern forward of the house. Our
8 concern was more aft of the house on the stern.

9 MR. STOLZENBERG: Okay, thank you.

10 MS. BELL: Any questions here at the table?
11 No one? Back to you on the phone.

12 MR. FURUKAWA: Nothing from Jon.

13 MR. KUCHARSKI: This is Mike Kucharski back.
14 Jaime, did you make any allowance for hog and sag when
15 computing stability to determine if the ship was
16 properly loaded?

17 MR. TORRES: When we completed cargo
18 operations and printed out and reviewed CargoMax,
19 CargoMax did give you an indication for hog and sag.

20 MR. KUCHARSKI: Okay. So when your reading
21 your midship draft mark if the ship is in a hog the
22 draft mark's going to be higher than the visual draft
23 mark.

24 Did you make any compensation or change
25 anything for the load-out?

1 MR. TORRES: We would compare the mean draft
2 to the midships mark. That's the only compensation
3 that I can recall.

4 MR. KUCHARSKI: Okay. Have you ever used
5 the draft mark location diagram in the trim and
6 stability book? I know you probably don't know the
7 page number. It's at page 6.

8 But there's a diagram in there which shows
9 the location of the draft marks and their distance from
10 the forward perpendicular. Have you ever used that
11 diagram?

12 MR. TORRES: Yes. Yes, I have.

13 MR. KUCHARSKI: And can you explain to the
14 group what you used it for?

15 MR. TORRES: We were trying to determine --
16 once we figured out that the transom mark only went to
17 30 feet, and leaving Jacksonville we went over 30 feet
18 on the aft draft mark, we were comparing what the
19 counter draft difference was to the transom mark.

20 MR. KUCHARSKI: Okay. Did you ever use that
21 figure in the diagram to then take that transom draft
22 and make any correction to it?

23 MR. TORRES: Yes, we did initially. When we
24 took the ship out we compared the transom mark to the
25 counter mark to see what the difference was between the

1 two of them.

2 MR. KUCHARSKI: Okay. And how about in your
3 final, say, after you did a load-out of cargo and you
4 took a transom draft. Did you make any correction to
5 the draft mark transom reading?

6 MR. TORRES: We figured out that the change
7 wasn't that significant. So no, we did not.

8 MR. KUCHARSKI: And what's your definition
9 of not significant? I mean, could you tell us is it an
10 inch difference, 2 inch difference? Or was it less
11 than that?

12 MR. TORRES: I can't recall as to the
13 number. I can tell you that it was less than 6 inches.

14 MR. KUCHARSKI: Okay. Great. Thank you.
15 Have you ever compared the vessel full load
16 displacement figure from the load-out to the maximum
17 allowed displacement?

18 MR. TORRES: Yes, I do recall comparing
19 that.

20 MR. KUCHARSKI: Did you notice any
21 discrepancies?

22 MR. TORRES: No, I did not.

23 MR. KUCHARSKI: Did you do a ballast water
24 exchange?

25 MR. TORRES: Yes. On my last trip on the El

1 Faro, the last rotation that I did, we did conduct
2 ballast water exchange.

3 MR. KUCHARSKI: Okay. Was that just done
4 every so often, or was it supposed to be done every
5 trip? Was it done every trip?

6 MR. TORRES: On the southbound leg we
7 exchanged one tank, and on the northbound leg after
8 leaving San Juan we would do the other tank.

9 On a weekly basis until the -- until I
10 signed off the vessel and we were exempt and it was no
11 longer needed.

12 MR. KUCHARSKI: Okay. So each trip
13 southbound you discharged one tank and then refilled
14 it?

15 MR. TORRES: That's correct.

16 MR. KUCHARSKI: What tank was that?

17 MR. TORRES: If I remember correctly the
18 tank that I did southbound was 1B starboard.

19 MR. KUCHARSKI: Okay. And then northbound
20 you typically did 1B port?

21 MR. TORRES: No, 1B port was a slop tank.
22 The other tank we did was 1A center line.

23 MR. KUCHARSKI: Okay, 1A center line. Thank
24 you. And so the tank was completely empty and then
25 completely refilled?

1 MR. TORRES: That's correct.

2 MR. KUCHARSKI: Okay. Did you account for
3 fuel burn southbound to maintain stability?

4 MR. TORRES: Yes, we did.

5 MR. KUCHARSKI: Okay, and how did you -- let
6 me rephrase. If you did not account for fuel burn
7 would the vessel become -- have less than required GM?

8 MR. TORRES: All right, let me think that
9 over. If we didn't account for fuel burn. What was
10 the question again?

11 MR. KUCHARSKI: Okay, let me rephrase that.
12 I don't want to be confusing.

13 So, you calculated fuel burn. Did you add
14 ballast to the ship to account for the fuel burn?

15 MR. TORRES: Did we add ballast to the ship
16 to account for the fuel burn. No, we did not. I did
17 not add ballast to the ship to account for the fuel
18 burn.

19 MR. KUCHARSKI: Okay. So, you didn't have
20 to bring any salt water onboard in any of the tanks to
21 maintain stability because of the fuel burn?

22 MR. TORRES: No, not at all.

23 MR. KUCHARSKI: And besides CargoMax I think
24 this question was asked, but there was no other way of
25 checking stability, any other program or anything like

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1 that?

2 MR. TORRES: As far as programs go, no. All
3 we had was CargoMax.

4 MR. KUCHARSKI: Okay. Were you aware of any
5 material differences between how you and the other
6 chief mates onboard the El Yunque calculated stability?

7 MR. TORRES: No, I'm not aware of any
8 differences between how I calculated stability or how
9 anyone else did calculate stability.

10 MR. KUCHARSKI: Okay. Okay. I suppose you
11 had handover notes for when you were relieved by
12 another chief officer?

13 MR. TORRES: That's correct.

14 MR. KUCHARSKI: Okay. Did you know Steven
15 Schultz?

16 MR. TORRES: Yes, I did.

17 MR. KUCHARSKI: Did you have any handover
18 with him?

19 MR. TORRES: As chief mate? No.

20 MR. KUCHARSKI: Is there a ship's operations
21 manual which covers all deck-related evolutions?

22 MR. TORRES: Yes, the OMV.

23 MR. KUCHARSKI: The OMV. And so that's
24 onboard the ship and then the company has a copy of
25 that?

1 MR. TORRES: The captain has the binder in
2 his office and it's also in the ship's network so that
3 anybody can access it at any given time.

4 MR. KUCHARSKI: Okay. Great. And does that
5 also cover stability and all deck evolutions?

6 MR. TORRES: It goes over the decks
7 procedures and, yes, it does touch stability as well as
8 the duties for every individual officer.

9 MR. KUCHARSKI: Okay. Great. How about
10 Raymond Thompson? Did you sail with him or have any
11 handover with him?

12 MR. TORRES: Yes. Ray and I exchanged as
13 chief mate on the El Faro. He was my relief.

14 MR. KUCHARSKI: Okay. And I suppose you
15 have handover notes for the handover between the two of
16 you?

17 MR. TORRES: Yes, we did do a turnover and
18 we did exchange notes.

19 MR. KUCHARSKI: Okay. Are those notes given
20 to the company?

21 MR. TORRES: Those notes, yes, are forwarded
22 to the office.

23 MR. KUCHARSKI: I think you mentioned you
24 occasionally had some seas come on the second deck, is
25 that correct?

1 MR. TORRES: That's correct.

2 MR. KUCHARSKI: Okay. Those are all the
3 questions I have right now. Thank you.

4 MR. STETTLER: Can I just ask one more
5 clarification?

6 MS. BELL: Sure.

7 MR. STETTLER: Jeff Stettler from the Coast
8 Guard.

9 Jaime, you mentioned that CargoMax provides
10 an indication of hog and sag. Can you clarify that a
11 little bit? Is it deflection or bending moment that
12 you're referring to?

13 MR. TORRES: The trim and stability summary
14 page will give you an indication of hog and sag. It
15 will give you shear and bending moments, but it will
16 give you an indication where you can see whether it's
17 hogging or sagging.

18 MR. STETTLER: Okay. Based on the bending
19 moment though, is that correct?

20 MR. TORRES: Correct.

21 MR. STETTLER: Okay. It'll say, like, so
22 many thousand metric foot -- metric times h for hog --

23 MR. TORRES: Correct, yes.

24 MR. STETTLER: Okay. So, you weren't
25 thinking that -- I just want to clarify, I don't think

1 there is, and if there is maybe you could clarify.
2 That it actually tells you about hull deflection. It's
3 based on the bending moment. It tells you what the
4 bending moment is.

5 MR. TORRES: Correct, yes.

6 MR. STETTLER: Thank you.

7 MR. GRUBER: Tom Gruber, ABS. You mentioned
8 before that you checked the midship draft and made sure
9 that the vessel did not exceed the maximum draft.

10 Were there ever any times that the plimsoll
11 mark or the load line mark was submerged?

12 MR. TORRES: Yes, there was one instance
13 where like an inch off. And we corrected it. I spoke
14 with the captain and I went over with Don to his
15 office. We looked at the final that he had in his
16 computer and we looked at what tanks we could remove
17 ballast water from so that we would be at the marks or
18 above them. And we made the changes onboard ship. And
19 that was the end of that.

20 MR. GRUBER: So you would reduce the amount
21 of ballast onboard.

22 MR. TORRES: Correct.

23 MR. GRUBER: Carrying slack to meet the load
24 line mark.

25 MR. TORRES: Correct, yes.

1 MR. GRUBER: Okay. Did you ever exceed the
2 center of the plimsoll based on the salinity of the
3 water?

4 MR. TORRES: Yes, I believe we did. Yes.

5 MR. GRUBER: Okay. And how did you
6 determine whether or not you were an acceptable draft
7 over the --

8 MR. TORRES: Okay. We have a table that I
9 keep a copy of in my office -- the bridge and the
10 captain has a copy -- where it breaks down what the
11 maximum midship draft is per salinity.

12 So, if you, say, have 1.010 then you can go
13 over there and say, okay, well the midships max draft
14 would be, say, 30 even. And then you can compare your
15 midships to your -- that table and see whether you're
16 over or not.

17 MR. GRUBER: Okay. What was the average
18 range of trim on the vessel when you departed? Let's
19 say Jacksonville. And who determined that and whether
20 that was excessive or not?

21 MR. TORRES: I can say that it could be
22 anywhere from 2 feet to 6 feet was generally what the
23 trim was.

24 Now, as far as who determined it was, that's
25 a conversation that the captain may have had with Don

1 Matthews that I'm not aware of.

2 MR. GRUBER: All right, thank you.

3 MS. BELL: Anymore questions? Okay, I think
4 we're back to on the phone. Any follow-up questions?
5 Are you guys still there?

6 MR. KUCHARSKI: Mike Kucharski. Yes, this
7 is Mike Kucharski. I think I'm good to go. Thank you.

8 MS. BELL: I have one general question. And
9 this is not to do with stability specifically. This is
10 just -- if you're looking at the El Faro and the El
11 Yunque are one of those ships more desirable -- seen as
12 more desirable to work on than the other?

13 MR. TORRES: From my standpoint as chief
14 mate or second mate, no. I didn't -- I can't say of
15 any reason why I would think one would be better than
16 the other.

17 MS. BELL: Okay. Thank you. We're --

18 MR. KUCHARSKI: Hey Carrie?

19 MS. BELL: Go ahead.

20 MR. KUCHARSKI: Sorry. You left the door
21 open. Hey Jaime, quick question on either hull
22 planing. When you walk -- did your rounds down the
23 cargo holds along the seams there in the hull or maybe
24 the fire pump at number 3 hold, did you see any weeps
25 or any leaks from those areas?

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1 MR. TORRES: No, nothing comes to mind.
2 Nothing, nothing that I could tell you, no.

3 MR. KUCHARSKI: Have you given it any
4 thought how they got water in number 3 hold on the El
5 Faro?

6 MR. TORRES: Yes, I have given it thought.

7 MR. KUCHARSKI: Would you share those
8 thoughts with us?

9 MR. TORRES: So many possible things could
10 have happened there's no point in speculating.

11 MR. KUCHARSKI: Okay. I just thought it
12 would be helpful as we try to zero in on what the
13 probable cause was.

14 MR. TORRES: It could have been many things.
15 And you know, cargo could have broken loose. Who
16 knows.

17 MR. KUCHARSKI: Okay. Thanks, Jaime.

18 MS. BELL: We're going to go around the room
19 one more time.

20 MR. STETTLER: I just, I think -- question,
21 Jaime. Jeff Stettler from the Coast Guard.

22 I heard a term yesterday I wasn't familiar
23 with "lashing margins." Could you basically, you know,
24 how they're used. It's something to do with CargoMax.
25 It was a term I wasn't familiar with. Could you tell

1 me about that?

2 MR. TORRES: Lashing margins?

3 MR. STETTLER: Lashing margin. It's a term
4 Don Matthews used and it had to do with CargoMax gives
5 warnings about lashing margins.

6 MR. TORRES: There was a warning that
7 CargoMax will give you and now you mention the term.
8 And it's as far as how many containers you're loading
9 per cell.

10 But that has nothing to do with lashing
11 because it has to do with overloading a particular cell
12 depending on the construction of the vessel. I forget
13 what the name of the term is now.

14 Now as far as lashing margins that CargoMax
15 would give you an indication I can't recall a specific
16 area or part of the software where it would have
17 anything like that.

18 MR. STETTLER: I think it had -- he implied
19 it had something to do with the relative weights in a
20 stack. But I wasn't familiar with it and he didn't
21 seem to expand on it so I just thought you might know.

22 MR. TORRES: No. Like I said, the only
23 thing that comes to mind that it would give you a
24 warning is there are certain cells, certain bays where
25 depending on the construction of the vessel you could

1 only load to a certain tonnage.

2 And if you overloaded that cell the CargoMax
3 would give you an indication.

4 MR. STETTLER: Okay. That's -- I think he
5 called a stack weight limit.

6 MR. TORRES: That's it. Stack weight, yes,
7 that's what it is.

8 MR. STETTLER: Okay. All right. Thank you.

9 MR. TORRES: Sure.

10 MR. GRUBER: Tom Gruber, ABS. Just one
11 quick question.

12 Don Matthews mentioned when he was
13 developing the CargoMax load condition he always looked
14 for a half a foot GM margin. Do you know where that
15 comes from, or the purpose of the -- is that a margin
16 over the required GM?

17 MR. TORRES: That's right. When you -- when
18 we completed -- all right.

19 First of all, from my time with Sea Star
20 Line the captains generally, for example, Captain
21 Axelsson which I frequented most of my time with, he
22 would require a 0.5 foot GM margin.

23 So, if you look at your trim and stability
24 summary you have your GM corrected which applies to
25 your free surface. And then you have your GM required.

1 The difference between that is what your GM margin
2 would be.

3 So, say you have a 2.5 GM corrected after
4 you have applied your free surface. Then, depending on
5 your stow plan, how the ship is loaded, you're asked
6 for a, say, 2.0 GM required. Then your difference
7 would be your margin.

8 MR. GRUBER: So it's a margin over and above
9 the required GM?

10 MR. TORRES: That's correct.

11 MR. GRUBER: And just one other follow-up
12 question. You talked about ballast water exchange.
13 Did you or did somebody run CargoMax conditions for the
14 start, intermediate and finish of the ballast water
15 exchange to account for the free surface.

16 MR. TORRES: Yes. I did.

17 MR. GRUBER: Okay. And there was no issues
18 with the required GM?

19 MR. TORRES: If there were, if I had noticed
20 that there was an issue or a concern about the required
21 GM, say, for example, we left Jacksonville with, say,
22 150 tons in that 1B starboard then I would only bring
23 it up to whatever the tonnage it was to be correct.

24 You wouldn't fill up the tank if there was a
25 concern that the GM margin would be affected.

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1 So, yes, I would sit down and look at it,
2 and then determine how much ballast water exchange you
3 could conduct depending on what your GM margin would be
4 and what your burnoff would be.

5 MR. GRUBER: Okay. And were those
6 conditions logged in, or were they saved?

7 MR. TORRES: They were saved on the computer
8 and I also printed out a copy of the changes to be made
9 in CargoMax with a new trim and stability summary that
10 the captain would also see.

11 MR. GRUBER: Okay, thank you.

12 MS. FINSTERBUSCH: You said that they just
13 recently got the ballast board or exchange deferment.
14 Is that true?

15 MR. TORRES: That is correct, yes. From
16 what I recall when I signed off July 28, not long after
17 that did they get the ballast water exemption. So, I
18 could be incorrect, but there should have been no
19 reason to conduct ballast water exchanges around
20 October 1.

21 MS. FINSTERBUSCH: Thank you.

22 MR. RICHARDS: With regard to hand plotting,
23 going back to hand plotting of cyclone position and
24 forecast track on a chart, posting that somewhere where
25 other people can see.

1 I know you answered a question about this
2 prior. Just to clarify before we end, on the El Faro
3 under what situations would a hand plot of a tropical
4 cyclone be done?

5 MR. TORRES: If there was a concern for any
6 sort of hurricane or tropical storm it would be the
7 officer on watch's determination to hand plot, or the
8 captain's request. To be able to see not only the
9 graphical on the BVS, but also to plot the actual text
10 message from the Sat-C and compare and contrast.

11 MR. RICHARDS: Was there actually a written
12 requirement to do a hand plot under certain situations?

13 MR. TORRES: I can't recall a specific
14 instance, but it's something that the captain could
15 have possibly written in the night orders.

16 If we were approaching a storm or severe
17 weather he could have written it in night orders
18 saying, hey everybody, let's keep track of the storm so
19 that we can compare.

20 MR. RICHARDS: And last question. With
21 regards to protocol, procedures in this area, was there
22 a difference in application between Captain Davidson
23 and other captains you sailed with?

24 MR. TORRES: Can you explain that a little
25 bit further?

1 MR. RICHARDS: Would there be a different
2 emphasis on hand plotting a storm on a chart and
3 posting it while working under captains, vice captains,
4 in your experience?

5 MR. TORRES: Well, as I said before, with
6 Captain Davidson there wasn't a specific instance where
7 we ever had to plot weather.

8 And yes, every captain is different. But I
9 can't compare to Captain Davidson because we never had
10 an issue where we had to hand plot weather.

11 MR. RICHARDS: Thank you.

12 MR. FAWCETT: Keith Fawcett, Coast Guard.
13 Just a final safety-related question.

14 For abandon ship what were your duties?

15 MR. TORRES: Abandon ship? I was in command
16 of lifeboat 1 if I'm not mistaken, and I was also in
17 command of the fire-fighting operation.

18 MR. FAWCETT: For -- not for abandon ship.

19 MR. TORRES: Oh, I'm sorry. Correct. For
20 abandon ship I was in charge of lifeboat 1.

21 MR. FAWCETT: Okay. And that's the lifeboat
22 on which side of the vessel?

23 MR. TORRES: Starboard side.

24 MR. FAWCETT: And that is propelled by?

25 MR. TORRES: Fleming gear.

1 MR. FAWCETT: And were you also in command
2 of the life rafts on the starboard side?

3 MR. TORRES: Correct. Yes.

4 MR. FAWCETT: Just to clarify, could you
5 just briefly recap how you conducted those drills for
6 lifeboat launching?

7 MR. TORRES: Okay. The captain would sound
8 the alarm. We would muster at the lifeboat station.
9 Then depending on weather conditions the captain would
10 instruct us to lower the lifeboats to the embarkation
11 level.

12 We would then go about the procedure of
13 doing that. The lifeboat would be lowered to the
14 embarkation level.

15 Once the bridge is informed he would ask us
16 to secure the lifeboat and test the limit switches.

17 Prior to lowering the boat we would make a
18 habit of putting the boat plug in.

19 Once the boat, as I said, went down to the
20 embarkation level it would be retrieved and the limit
21 switches would be tested. Once the limit switches were
22 tested and the boat reached the point where the limit
23 switches actuate the boat would be hand-cranked into
24 place and secured for sea.

25 Once the boat was secured for sea we'd then

1 test the Fleming gear, forward and aft.

2 MR. FAWCETT: Okay. During the period that
3 you were on El Faro where Captain Davidson was onboard
4 did you provide training and instruction in the use of
5 life rafts?

6 MR. TORRES: Absolutely, yes.

7 MR. FAWCETT: Could you talk to me about
8 what that training was?

9 MR. TORRES: On a weekly basis once the life
10 boat was lowered or not, depending on weather
11 conditions, we would then instruct the crew as far as
12 the life rafts, the capacity, and what the procedures
13 would be to either launch them manually, or how they
14 would launch in the event of the ship sinking and the
15 hydrostatic releases, cutting them off and sending them
16 up to the deck.

17 MR. FAWCETT: Okay. Based on your
18 experience in hurricane conditions with a ship listing
19 either one way or the other could you explain how the
20 crew is expected to deploy the raft and get in the
21 raft?

22 MR. TORRES: With the ship listing in heavy
23 weather if we ever were to deploy the raft manually the
24 raft would have to be thrown over the side. But you
25 would keep the sea painter onboard and you have a

1 accommodation ladder that would be lowered.

2 And you would then lower the personnel, each
3 individual would go down the accommodation ladder once
4 the raft is popped and board the raft.

5 MR. FAWCETT: And just to be clear, there is
6 a stowed ladder under the lifeboat that's covered with
7 a covering, lashed to the rail.

8 MR. TORRES: That's correct. That's the
9 accommodation ladder I'm referring to.

10 MR. FAWCETT: Okay. So, the crew would have
11 to disembark the ship one at a time, is that correct?

12 MR. TORRES: To go down to the life raft,
13 yes.

14 MR. FAWCETT: And then the launching of the
15 lifeboat with the ship under list, could you describe
16 that process?

17 MR. TORRES: Okay. Now, depending on, of
18 course, which way the ship is listing then over 15
19 degrees that's what the davits are designed for.

20 So, you would have to determine -- make a
21 determination of what lifeboat, or what life rafts
22 would be suitable for the situation.

23 Now, as far as that goes you take an
24 accurate muster, secure the lifeboat plug, and then you
25 would lower the lifeboat to the embarkation level where

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1 you would board the personnel.

2 Once you've done that you would attach your
3 frapping lines which are meant to keep the boat
4 aforeships, alongside the ship's hull.

5 Once that's done you have to release the
6 tricing pendants to get clear of the embarkation level.
7 You would have to attach a sea painter to the ship so
8 that when the ship gets down in the water you have your
9 sea painter attached and the lifeboat stays alongside.

10 The one individual that would stay onboard
11 would be the brake man. For the starboard lifeboat it
12 was the electrician.

13 He would then lower himself down to the boat
14 using the accommodation ladder we just spoke of.

15 Once all personnel is aboard and the
16 lifeboat is safely in the water you would then release
17 the boat from the releasing gear using the Rottmer
18 releasing gear.

19 If you're in the starboard side you would
20 have the Fleming gear. If you're in the port boat
21 you've got the diesel engine. So you want to make sure
22 your engine's running. Release the sea painter and go.

23 MR. FAWCETT: And just a couple of
24 clarifications.

25 The boat that's on the down side if the ship

1 was listing, when you lower it down in the davit
2 cradle, the davit cradle follows some tracks. Is the
3 boat -- does the boat manually have to be pulled tight
4 against the side of the ship and secured for
5 embarkation? Is it out there at some distance? Or is
6 it -- can you board it immediately as soon as you roll
7 it down the cradle to the rail level to the embarkation
8 deck?

9 MR. TORRES: With your tricing pendants
10 attached once you lower the boat you should be able to
11 board at the embarkation level. With the tricing
12 pendants holding the boat alongside the ship.

13 MR. FAWCETT: Okay. And then when you say
14 lower into the boat you mean actually the people have
15 to climb down the ladder. They're not being lowered,
16 you're climbing.

17 MR. TORRES: You're climbing.

18 MR. FAWCETT: Okay. And just a final thing
19 is at any time while you were on the El Yunque or the
20 El Faro did you provide training to the crew that
21 discussed launching in hurricane-like conditions, or
22 launching when the ship was listing in the kind of
23 situation that the crew of the El Faro encountered?

24 MR. TORRES: I can't recall of a specific
25 instance where we did have a discussion on how the

1 lifeboat would be boarded in heavy weather.

2 I do recall mentioning that in the case of
3 the life rafts the accommodation would have to be used
4 in order for personnel to board the life rafts.

5 MR. FAWCETT: Okay. Accommodation is
6 confusing to me because I'm thinking of, you know, the
7 vertical ramp with the steps that goes up and down the
8 ship. You're saying the embarkation ladder?

9 MR. TORRES: Yes, the -- we typically call
10 it an accommodation ladder. But -- or you could call
11 it a Jacob's ladder as well.

12 MR. FAWCETT: And that's the one stowed
13 under the boats.

14 MR. TORRES: That's the one that's stowed
15 under the boat, yes.

16 MR. FAWCETT: And then just -- did you say
17 you do recall or don't recall talking about launching a
18 lifeboat for training, you know, talking about how it
19 was done under heavy weather. I just didn't hear your
20 answer.

21 MR. TORRES: You asked me as far as the
22 accommodation ladder and the lifeboats under heavy
23 weather.

24 I don't recall a specific instance where it
25 was discussed specifically for heavy weather on the

1 lifeboats.

2 I do recall for the life rafts, yes, there
3 was a discussion for heavy weather.

4 MR. FAWCETT: Okay. And the El Faro, she
5 had how many life rafts?

6 MR. TORRES: Sorry, I'm getting my ships
7 mixed up. There's one on the bow and there would
8 typically be -- there's one on the port side and there
9 was one on the starboard side at the boat stations.

10 MR. FAWCETT: Thank you very much.

11 MS. BELL: This is Carrie Bell, NTSB. You
12 mentioned that Captain Davidson did not conduct the
13 safety meetings, but he conduct or participate in the
14 abandon ship drills?

15 MR. TORRES: He directed the abandon ship
16 drills from the bridge, yes.

17 MS. BELL: Okay. And that's all I've got
18 right now. Anybody else have questions relating to
19 that? Or any other questions they want to ask?

20 MR. KUCHARSKI: Hey Jaime, Mike Kucharski.
21 Quick question on the riding crew, the Polish riding
22 crew.

23 When the weather was inclement did they do
24 work outside of -- or I should say below deck work?

25 MR. TORRES: I wasn't on there, Mike, so I

1 don't know.

2 MR. KUCHARSKI: Okay. Thank you.

3 MS. BELL: If no one else has anything that
4 will conclude our interview. Thank you very much for
5 your time.

6 MR. TORRES: You're welcome.

7 (Whereupon, the above-entitled matter went
8 off the record)

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C E R T I F I C A T E

MATTER: El Faro Incident
October 1, 2015
NTSB Accident No. DCA16MM001
Interview of Jaime Torres

DATE: 12-03-15

I hereby certify that the attached transcription of page 1 to 140 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



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TABLE OF CORRECTIONS TO TRANSCRIPT OF INTERVIEW
FOR
JAMIE TORRES
TAKEN ON
DECEMBER 3, 2015

PAGE NUMB ER	LINE NUMB ER	CURRENT WORDING	CORRECTED WORDING
31	22	themselves	himself
54	16	sat, sea	Sat-C
54	16	and hands	enhanced
61	14	lyfans	fans
74	1	from Zinn	comes in
89	11	row/row	ro/ro
89	12	low/low	lo/lo
92	18	Rod	Ron
105	5	gangrail	gangway
105	23	Juan	Ron

If to the best of your knowledge, no corrections are needed kindly circle the statement "no corrections needed" and initial in the space provided.

NO CORRECTIONS NEED.

Initials

Jamie T. Torres

Printed Name of Person providing the above information



Signature of Person providing the above information

12/28/15

Date

December 28, 2015

Lee Peterson
TOTE Services

SUBJECT: Supplement to witness interview of Jaime F. Torres conducted on December 3, 2015

I am contacting you as the TOTE Services' Party Coordinator and Party Representatives in connection with the NTSB El Faro accident investigation, NTSB Accident No.

DCA16MM001. Please forward this e-mail to the appropriate NTSB investigative Group Chairpersons.

Upon reviewing the transcript of my interview taken on December 3, 2015 and further reflection, I noted two matters that require correction.

First, on page 30 starting at line 23 and continuing to Page 30 at line 1, I mistakenly identified the easterly lane distance of the right whale zone as being 33.5 nautical miles. The correct distance is 24.6 nautical miles.

Second, on page 82 at lines 19 through 24, at the time of my testimony, I did not recall whether Captain Loftfield had told me that he had spoken with someone ashore about routing the El Yunque over the last known position of the El Faro on the next transit to San Juan. After my interview, I did recall the Captain mentioning that he had notified the company.

Please note these corrections in your investigative record.

Jaime F. Torres